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THE OFFICIATING MINISTER.

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The Clerical Papers,

ON THE

MINISTERIAL DUTIES,

AND THE

Management of a Parish.

&c. &c. &c.

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THE LAWS AND USAGES

OF THE

Church and the Clergy.

THE OFFICIATING MINISTER, AND THE PRELIMINARY RUBRICS, &c.

[VOL. b.]

BY THE REV. W. H. PINNOCK, LL.D.
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The Officiating Minister.

1.—An opinion was entertained some little time ago by many of our Clergy, that the weightier and more important functions of the Clerical Office, involving the maintenance of sound Christian doctrine and the 'bishopric of souls,' had been much intruded upon in later years by matters of comparatively far less significance and importance; and that the time, thought, and study, necessary for the true interests of religion, had been diverted with intense zeal, and no trifling degree of bitterness, from their proper pursuit to the consideration of obscure and obsolete points of Canonical discipline, Ceremonial order, and Rubrical punctilio. This charge, not quite however to the extent here advanced, public notoriety must compel us to admit, and we may venture to trace it in a great measure to the deficiency of information possessed by the Clergy generally with respect to the Ecclesiastical and temporal *Laws* by which such points may often be simplified and explained, as well as to the *decisions* of the Ecclesiastical Courts by which numerous cases have been actually determined. At the present day also, a movement has been set on foot to *abbreviate* the Morning Service, and otherwise *reform the* Liturgy. The various points which have been propounded will, however, be discussed in due order.

2.—In the performance of the Ministerial Duties of our Church, it cannot be questioned that our grand rule of action should be the Apostolical injunction, "Let all things be done unto edifying:.....decently, "and in order." (1 *Cor.* xiv. 26. 40.). Yet this 'edification,' 'decency,' and 'order,' can never be effected by *each* individual Minister acting upon his

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own private opinions or prejudices with regard to the RITES and CEREMONIES to be used in Public Worship; but by *all* Ministers pursuing one uniform practice, prescribed by competent authority, and maintained by efficient power. This is also laid down in our present LITURGY in the prefatory remarks on '*Ceremonies*' in these words:—

> 'Although the *keeping or omitting* as a CEREMONY, in itself 'considered, is but a small thing; yet the wilful and contemptu-'ous transgression and breaking of a common Order and 'Discipline is no small offence before God. 'Let all things be 'done among you', saith St Paul, 'in a seemly and due order'; 'the appointment of the which Order *pertaineth not to private* '*men; therefore no man ought to take in hand, nor presume to* '*appoint or alter* any Public or Common Order in Christ's 'Church, except he be lawfully called and authorized there-'unto.'

The necessity of this rule may be inferred from the notorious fact, stated by WHEATLY in his Preface, that—'even the daily and ordinary Service is more 'than the Clergy themselves know how to perform in 'any Church but their own, before they have been 'informed of the particular custom of the place.'—*Com. Prayer*, p. vii.

3.—With the view of securing so desirable an end as *Uniformity* in the Public Services of the Church, at the period of the Reformation the various Books of Offices used in the different Dioceses in the kingdom were collated and condensed into one LITURGY (A. D. 1549—1662), so that 'the whole realm should 'have but *one Use*'; ARTICLES (the XXXIX) were also drawn up (A. D. 1562—71) 'for the avoiding of diver-'sities of opinion'; CONSTITUTIONS and CANONS agreed upon (A. D. 1603—4),* 'for the good and 'quiet of the Church, and better government thereof';

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* Prior to A. D. 1753, the Historical year began on *January 1st*, the Legal, Ecclesiastical, and Civil year on *March 25th*, whence the intervening period has been assigned by writers either to the year concluding, or the year commencing; and is variously written; thus, 1603-4, or 160⅓.

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and STATUTES passed by the Imperial Parliament from time to time to give effect to these measures by enforcing *Conformity to the Liturgy*, and *Uniformity in Public Worship*.

4.—As years rolled on, however, silent and aggressive *Custom*,—originating, it may be, partly in foreign prejudices introduced after the Marian persecution, partly in laxity of obedience, or in the change of times and circumstances,—materially interfered with the due observance of the prescribed *Conformity*, and in many instances actually set aside the requirements of the Law. This, as might be expected, would in course of time receive some violent check, and generate as a consequence some forcible re-action. It has occurred in our own days to witness the stand made against these encroachments of *Custom*, and this gradual disturbance of Ceremonial Order, and Church discipline; but in what spirit, and with what judgment and discretion, such objects have been attempted, may be discerned from the general proceedings of the Clerical body, and the literature of the times: indeed, it has been no uncommon remark that antiquarian research, patristic lore, and the study of the older Canonists and Ritualists, were advancing very far towards sacrificing the Theological to the Ecclesiastical, Doctrine to Discipline, and in extreme cases the actual substance of Religion to its Forms.

The Rev. CHRISTOPHER BENSON remarks in his little 'brochure' on "*The Rubrics and Canons*":—'The warfare is between Popish 'tendencies, clothing themselves with the name of Catholic, on the 'one hand, and Protestant tendencies, aiming to carry out the 'Reformation to its full extent, on the other. This is its first 'characteristic. Secondly, it is between that portion of the Clergy 'who think the Ecclesiastical part of the Church ought to regulate 'all things relative to religious ordinances, leaving to the Laity 'only the duty of obedience; and that portion of the Laity who 'maintain that their wishes are to be consulted and opinions re-'garded, and who are averse to the introduction of long-disused 'ceremonies and practices, to which though the Clergy have, the 'Laity neither have expressed nor are required to express an 'universal assent and unreserved conformity.' (*p.* 29.)

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5.—It is to be hoped, however, that this reproach is no longer applicable, and that the fire of controversy is by this time well nigh expended; so that the real and intrinsic value of these matters will in future be better understood by all parties, and be considered with calmer reflection, and less heated zeal. 'Let 'every one,' as DR. NICHOLLS says in the *Preface* to his "Commentary on the Book of Common Prayer," 'be as ready to find out expedients for composing 'differences, as many are studious to find out ways to 'disagree upon or to fix marks of distinction to keep 'up their parties, which would otherwise dwindle into 'nothing. Let them but do this heartily and sincerely, 'and these two sorts of Church-of-England men would 'soon be one again. By this they would lend the 'most effectual hand to preserve our Church, which 'by these foolish differences, and diverse methods of 'securing, they will run a hard venture of undoing.'—(*p.* xiii.).

6.—To aid the OFFICIATING MINISTER in forming a just appreciation of these "things indifferent," and with the view of assisting his judgment with regard to the correct interpretation of the *Rubrics*, and to the proper performance of the Public Services of the Church, the subject will now be discussed at length, but more as a question of *fact*, and of *to-day*, than of theory or of antiquity.

7.—The Author however feels bound at the threshhold of his remarks to state distinctly that nothing will be here advanced in any *party spirit*, or with the view of inculcating any peculiar personal prepossessions; but that he is actuated solely by a sincere desire of laying before the Reader, *fairly* and *impartially*, every available information, which may help to elucidate and explain the power and position of a Clergyman of the Church of England with respect to the execution of his Public Ministerial Duties. It may by some, perhaps, be considered presumptuous on his

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part to enter upon so delicate and critical an inquiry; he therefore trusts that he may not expose himself to the charge of egotism by stating, that were it not that he has had for some years to contend with many of the most difficult and trying positions of Parochial management, whence he gathered much experience,—were it not also that he has been honoured with the acquaintance of many of the most learned and practical men, and some holding the highest positions in the Church, whose kind counsel and opinion were ever at his command; as well as been possessed of the privileged use of that great resource for authorities the Cambridge University Library,—he would doubtlessly have never undertaken the laborious task of arranging for publication the rough materials which he had collected for his personal use. These remarks, the Author trusts, will be sufficiently explanatory of the appearance of these volumes; and with every apology for this digression, he will now add, that the *Statute Law*, *Constitutions* and *Canons*, and the *Ecclesiastical authorities*, bearing upon the several questions of LITURGICAL *Uniformity* will be brought forward as each case arises; and the changes and discrepancies introduced by *Custom*, and now in practice, will be detailed in order, so as to afford, as nearly as may be, a complete summary of the LAW and USAGE affecting *Ecclesiastical* and *Rubrical* Conformity.

8.—For greater facility of reference the arrangement of our present LITURGY will be adopted. Yet a few preliminary observations, declaratory of the authority by which *Ritual* and *Ceremonial* matters have been propounded and directed, and the general obligations under which the Clergy are bound to their observance seem indispensable.

First in order may be placed the proceeding known as the "*Submission of the Clergy to the Crown*," by which the Ecclesiastical power was shorn of the greater part of its authority over the Clerical Order, and things spiritual.

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SUBMISSION OF THE CLERGY TO THE CROWN.

9.—The Clergy of the Church of England, as may be gathered from the words in the preamble of the Act, 25 *Hen.* VIII. *c.* 19. A. D. 1533,.....'not only 'acknowledged according to the truth, that the '*Convocation* of the same Clergy is, always hath been, 'and ought to be, assembled only by the *King's* '*writ*, but also submitting themselves to the King's 'Majesty, promised *in verbo sacerdotii*, that they will 'never from henceforth presume to...enact...any new 'Canons, Constitutions, &c...without the King's most 'Royal *assent* and *licence:*' the Act then proceeds:—

'Be it therefore now enacted by authority of this present 'Parliament, according to the said *submission* and *petition* of 'the said Clergy, that they nor any of them from henceforth 'shall presume to attempt, allege, claim, or put in use any 'CONSTITUTIONS or ORDINANCES, *Provincial* or *Synodal*, or any 'other CANONS; nor shall enact, promulge, or execute any such 'Canons, Constitutions, or Ordinances Provincial, by whatever 'name or names they may be called, in their Convocations in 'time coming, (which always shall be assembled by authority 'of the *King's writ*), unless the same Clergy may have the King's 'most Royal assent and licence to make, promulge, and execute 'such Canons, Constitutions, and Ordinances, Provincial or 'Synodal, upon pain of every one of the said Clergy doing 'contrary to this Act, and being thereof convict, to suffer '*imprisonment*, and make *fine* at the King's will.'—25 *Hen.* VIII. *c.* 19. *s.* 1. *Appeals* lie to the Court of Delegates—ib. *Sect.* 4: but they are now transferred to the *Judicial Committee of the Privy Council*, by 2 & 3 *Will.* IV. *c.* 92; 3 & 4 *Will.* IV. *c.* 41; 6 & 7 *Vict. c.* 38; 7 & 8 *Vict.* 69.

10.—Although the Clergy were by the above clause not allowed to assemble in *Convocation* without the King's *writ;* nor when assembled, to frame any *new Canons*, &c. unless permitted by a Royal *licence;* nor to put such *Canons* when framed into execution without the assent of the Crown; nor even then to enforce them if they were contrary to the Laws and Customs of the Realm, or the King's prerogative,*

* For further information on this subject the Reader is referred to CARDWELL'S *Synodalia*, LATHBURY'S *History of Convocation*, the BIOGRAPHIA BRITANNICA, and to the several works published

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yet the CANONS, &c. already existing were not made void. (ROGERS' *Eccl. Law*, 281.)

The *pre-existing* CANONS, &c. *not void.* — 'Such 'CANONS, CONSTITUTIONS, ORDINANCES, and SYNODALS Pro-'vincial, being already made,* which *be not contrariant or* '*repugnant to* the Laws, Statutes, and Customs of this Realm, 'nor to the damage or hurt of the King's prerogative Royal, shall '*now still be used and executed* as they were afore the making 'of this Act, till such time as they may be viewed, searched, 'or otherwise ordered and determined by the said two and 'thirty persons, &c.'—25 *Hen.* VIII. *c.* 19. *s.* 7. (see WAKE's *State of Church*, 439. 547; HEYLYN's *Tracts*, 6).

This Commission however was never effective, although revived in the succeeding reign (by 3 & 4 *Edw.* VI. *c.* 11. 1549); and 'as no such review has 'yet been perfected, upon *this statute* (25 *Hen.* VIII.) 'now depends the authority of the *Canon Law* in 'England.'—BLACKSTONE, 1. *Com.* 83.

This Act (25 *Hen.* VIII.) was repealed by 1 & 2 *Ph. & Ma. c.* 8.; yet having been revived by 1 *Eliz. c.* 1. it is now in force.

The ROYAL SUPREMACY *in Matters Spiritual and Ecclesiastical Established.*

11.—This is the next subject for consideration. In the year following the *Submission of the Clergy*,

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during the reign of *William* III, and *Anne* (1689—1714) upon the controversies which then disturbed the two Houses. The Defenders of the Royal prerogative at that period were, among others, WAKE, KENNET, GIBSON, and HODY; the advocates for the independence of *Convocation* were BINKES, ATTERBURY, HILL, &c. The perusal of the treatises of WAKE, and of ATTERBURY, at a time like the present when the propriety of the revival of the powers of *Convocation* is a question much discussed, will well repay the time bestowed upon them, and put the reader in possession of both sides of the argument.

* In the opinion of *Judge Coleridge*, as observed in his decision in Dr. Hampden's case, (*Reg.* v. *Canterbury Abp.*, 1848), this clause refers to the Domestic Canon Law comprising the *Legatine* Constitutions of Otho, (1220) and Othobon (1268), edited by John de Athona, and the *Provincial* Constitutions made in the Convocations of Canterbury from the time of Langton (1201) to Chichele (1443), and which are collected by Lyndwood.

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the ROYAL SUPREMACY as well in all *Spiritual* or *Ecclesiastical* things or causes, as Temporal, was established by Act of Parliament in these words:—

'The KING'S MAJESTY justly and rightfully is and ought to be the 'Supreme Head of the Church of England, and so is recognized by 'the Clergy of this Realm in their Convocations, yet nevertheless, 'for corroboration and confirmation thereof, and for increase of 'virtue in Christ's religion within this Realm of England and to 'repress and extirp all errors, heresies, and other enormities and 'abuses heretofore used in the same; be it enacted by authority of 'this present Parliament that the KING our sovereign Lord, his 'heirs and successors, Kings of this Realm, shall be taken, 'accepted, and reputed, the only Supreme Head in earth of the 'Church of England, called Anglicana Ecclesia.....and shall have 'full power and authority from time to time to visit, repress, 'redress, reform, order, correct, restrain, and amend all such 'Errors, Heresies, Abuses, Offences, Contempts, and Enormities, 'whatsoever they be, which by any manner, spiritual authority 'or jurisdiction ought or may lawfully be reformed, repressed, 'ordered, redressed, corrected, restrained, or amended, most to 'the pleasure of Almighty God, the increase of virtue in Christ's 'religion, and for the conservation of the peace, unity, and 'tranquillity of this Realm.'—26 *Hen.* VIII. *c.* 1. A.D. 1534. This Act was repealed by 1 & 2 *Ph. & Ma. c.* 8; but revived by 1 *Eliz. c.* 1; 5 *Eliz. c.* 1; and 8 *Eliz. c.* 1.

The statute 1 *Eliz. c.* 1. is important, and we perceive that by it this *Ecclesiastical Jurisdiction is annexed to the Crown in perpetuity.*—It is enacted

'that such jurisdictions, privileges, superiorities, and pre-eminences 'Spiritual and Ecclesiastical, as by any Spiritual or Ecclesiastical 'power or authority hath heretofore been, or may lawfully be 'exercised or used for the visitation of the Ecclesiastical state, and 'persons, and for reformation, order, and correction of the same, 'and of all manner of errors, heresies, schisms, abuses, offences, 'contempts, and enormities, shall for ever by authority of this 'present Parliament be united and annexed to the Imperial Crown 'of this Realm.'—*Sect.* 17.

The 18*th Section* establishes the '*Court of High Commission*' for the execution of matters connected with this Ecclesiastical Jurisdiction, but the Court was abolished by 16 *Car.* 1. *c.* 11. In the 19*th Section*, at the request of *Elizabeth*, her title was changed from 'SUPREME HEAD' to 'SUPREME GOVERNOR *of the Church of England.*' This Statute (1 *Eliz. c.* 1.) is now in force.

12.—The *Royal Supremacy* was thus further defined shortly after in the XXXIX ARTICLES (1562—71.)—

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'The *King's Majesty* hath the chief power in this Realm of England, 'and other his Dominions, unto whom the Chief Government of 'all Estates of this Realm, whether they be *Ecclesiastical* or *Civil*, 'in all cases doth appertain, and is not, nor ought to be, subject 'to any Foreign Jurisdiction. Where we attribute to the King's 'Majesty the Chief Government, by which Title, we understand 'the minds of some slanderous folks to be offended; we give *not* 'to our Princes the *ministering either of God's word, or of the* '*Sacraments*, the which thing the 'INJUNCTIONS' also lately set 'forth by ELIZABETH our Queen do most plainly testify; but 'that only prerogative which we see to have been given always 'to all godly Princes in Holy Scriptures by God Himself: that is, 'that they should rule all states and degrees committed to their 'charge by God, whether they be *Ecclesiastical or Temporal*, and 'restrain with the Civil sword the stubborn and evil doers.'...—ART. XXXVII.

13.—The *Royal Supremacy* was subsequently *confirmed* by the CANONS (1603—4.)—

As our duty to the King's most excellent Majesty requireth, we 'first decree and ordain, that the Archbishop of Canterbury, '(from time to time), all Bishops of this province, all Deans, 'Archdeacons, Parsons, Vicars, and all other Ecclesiastical 'Persons, shall faithfully keep and observe, and (as much as 'in them lieth) shall cause to be observed and kept of others, 'all and singular Laws and Statutes, made for restoring to the '*Crown* of this kingdom the ancient Jurisdiction over the state '*Ecclesiastical*, and abolishing of all foreign Power repugnant to 'the same,.....' CANON 1.

Care was also taken that *Impugners of the Royal Supremacy* should be Ecclesiastically *censured*.—

'Whosoever shall hereafter affirm that the King's Majesty hath not 'the same authority in causes Ecclesiastical, that the godly Kings 'had amongst the Jews and Christian Emperors of the primitive 'Church; or impeach any part of his *Regal Supremacy* in the said 'causes restored to the Crown and by the laws of this Realm 'therein established; let him be Excommunicated* *ipso facto*, and 'not restored but only by the Archbishop, after his repentance 'and public revocation of those his wicked errors.'—CANON 2.

By the CANONS also all Clergymen are bound to acknowledge the Royal Supremacy by *subscribing* to it in the presence of the Bishop at their *Ordination*, both to the Diaconate, and to the Priesthood: again

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* *Excommunication* is now by 53 *Geo.* III. *c.* 127. discontinued, and imprisonment not exceeding six months imposed instead (*Sect.* 3.); except when decreed as a spiritual censure for offences of Ecclesiastical cognizance. (*Sect.* 2.).

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at every appointment to a *Curacy*, *Lectureship*, or *Readership;* and the pledge is repeated on admission to an Ecclesiastical *Living*. The terms are prescribed in the 1st of the *Three Articles* in CANON 36. Thus:—

'That the King's Majesty, under God, is the *only Supreme Governor* 'of this Realm, and of all other his Highness's Dominions and 'Countries, as well in all *Spiritual* or *Ecclesiastical* things or 'causes, as Temporal; and that no Foreign Prince, Person, 'Prelate, State, or Potentate, hath, or ought to have, any 'jurisdiction, power, superiority, pre-eminence, or authority, '*Ecclesiastical* or *Spiritual*, within His Majesty's said Realms, 'Dominions, and Countries.' (See Vol. a.).

And this *Subscription* is always made before a Licence can be obtained from the Bishop, as enjoined in CANON 37.

14.—Indeed, so jealous is the *Royal Supremacy* of the least encroachment that it is also confirmed by OATH at each of the instances above mentioned where *Subscription* is required. In the OATH of *Abjuration* the latter portion bears upon the *Supremacy* in these words:—

'And I do declare that no *Foreign* Prince, Person, Prelate, State, 'or Potentate, hath, or ought to have, any jurisdiction, power, 'superiority, pre-eminence, or authority, *Ecclesiastical*, or '*Spiritual*, within this Realm. So help me God.' (*Enforced* by 1 *Eliz. c.* 1. quoted *below;* 1 *Will. & Ma. c.* 8. See *page* 43.)

15.—Subsequently to 26 *Hen.* VIII. *Convocation* (in 1536) sanctioned certain ARTICLES OF RELIGION (*ten*), which were enforced by a Royal Proclamation, and followed up by a body of INJUNCTIONS, and an *Ecclesiastical Visitation*. The greater part of these ARTICLES were incorporated into the 'BISHOP'S BOOK,' or '*The Institution*,' put forth shortly after (1537), and which had been approved by a preceding *Convocation* (COLLIER ii. 139—143), if not actually composed by *Convocation*, as ATTERBURY affirms (WHEATLY *C. P.* 23). Under the same authority appeared the notorious 'SIX ARTICLES' (1539), which were ratified by the Legislature (by 31 *Hen.* VIII. *c.* 14.). A few years later (1543) under Royal sanction was published a revision of '*The Institution*' with the title of 'The KING'S BOOK,' or '*The Necessary Doctrine and Erudition*.' Whether it was ever laid before the Convocation (COLLIER ii. 188—190), is a matter of controversy: ATTERBURY says it *was*

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considered by that Ecclesiastical body. (WHEATLY *C. P.* 23). This was followed (in 1545) by the KING'S PRIMER, somewhat similar to Marshall's Primer of 1535, and Bp. Hilsay's of 1539, but comprising in addition to the Creed, the Lord's Prayer, and the Ten Commandments, also "*The Litany*" in English, published in the year preceding by Royal authority, and which is considered to be the progenitor of our present Litany. (BURTON'S *Three Prim.*) NICHOLLS says "*The Litany*" was published some time after the *King's Primer*. (*Com. Pr.* Pref. IV.) But he is in error, a smaller *Litany* had been in private use since 1535, as may be seen in Marshall's Primer of that date. (See PALMER'S *Orig. Lit.* i. 314. MASKELL'S *Mon. Rit.* i.)

16.—Although the Bible had been translated, and the editions of 1535, and 1537, were now in circulation, yet they were too bulky and expensive to be procured by the common people. In 1538, however, the Bible was placed in the Churches so as to be accessible to such as might desire to read it. Still, it was to the *Primers*, and *Manuals of Prayer*, that the Reformation was indebted, under God, for its rapid progress in the reign of Henry VIII. The King himself never renounced the *doctrines* of the Church of Rome, only the *Supremacy* of the Pope.

THE FIRST LITURGY, (1549.)
of *Edward* VI.

17.—We now arrive at the reign of EDWARD VI., but before proceeding to discuss the compilation of the LITURGY, it will be as well to say a few words respecting the 'INJUNCTIONS' issued at the beginning of this reign for the guidance of the Commissioners in the *Ecclesiastical Visitation* then ordered, and to refer to certain of the Statutes passed by the Parliament.

The Injunctions of Edward VI.

18.—Soon after the accession of EDWARD (*Jan.* 28th, 1546—7), the Regency in the King's name—either by virtue of the Royal Supremacy acknowledged, as we

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have seen in the reign of Henry VIII, by the Clergy in Convocation, and confirmed by Acts of Parliament (25 *Hen.* VIII. *c.* 19; and 26 *Hen.* VIII. *c.* 1; and by the Acts of Succession, 28 *Hen.* VIII. *c.* 7; and 35 *Hen.* VIII. *c.* 1.), or by the authority of a Royal Proclamation which also had the force of law (by 31 *Hen.* VIII. *c.* 8.*), or by direction of the late King's will legally investing the Council with these powers, by the Acts of Succession above mentioned. (HEYLYN'S *Ref.* i. 47; CARDWELL'S *Doc. Ann.* i. 5)—the Regency gave orders for a VISITATION to be made through the several Dioceses of the Kingdom for the settlement of religion. And with the view of assisting the Commissioners in their inquiries a body of 'INJUNCTIONS,' very similar to those issued in the last reign (in 1536) during the Vice-gerency of Cromwell, were put forth by the Council (in 1547). They were universally acknowledged, and continued to be the rule of action in Ecclesiastical matters (see CARDWELL'S *Doc. Ann.* i. 13.) until the use of the *new* LITURGY, which was enforced by the *first Act of Uniformity* passed at the close of the *second year* of Edward VI., superseded their authority with respect to matters of Ceremony, and Worship. (See *postea*).

19.—The first Parliament of EDWARD, which met *Nov.* 4th, 1547, and was prorogued on the 24th of *Dec.* following, passed during its Session, amongst other Bills, one 'Repealing several statutes concerning Treason, and granting *liberty in Religion*' (1 *Edw.* VI. *c.* 12); another, 'Against depraving *the Sacrament of the Altar*, and for the Receipt thereof in *Both kinds*' (1 *Edw.* VI. *c.* 1); and a third, for the '*Appointment of Bishops* by the King's Letters Patent' (1 *Edw.* VI. *c.* 2.). To carry into effect the statute, 1 *Edw.* VI. *c.* 1., the Council appointed a Commission of Divines to arrange a '*New Order of Communion*,' which was enforced by Royal Letters Missive (1547—8). This 'Order' was neither referred to the Convocation, nor ratified by the then Parliament, as CARDWELL supposes, (*Doc. Ann.* i. 60.—See HEYLYN'S

* The Enactment, 31 *Hen.* VIII. *c.* 8., confirmed by 34 & 35 *Hen.* VIII. *c.* 23. giving to a *Royal Proclamation*, issued by the advice of the Privy Council, the force of law, was repealed a few months after the "Injunctions" were issued, by 1 *Edw.* VI. *c.* 12. *s.* 5; A. D. 1548. COLLIER doubts whether the *Royal Proclamation* was put forth in the manner prescribed by the Act. (ii. 228).

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Ref. i. 118; SPARROW'S *Coll.* 17; also WILKIN'S *Conc.;* L'ESTRANGE'S *Alliance;* CLAY *on Com. P.*); although *Convocation*, prior to the passing of 1 *Edw.* VI. *c.* 1., had declared in favour of the 'Communion in Both Kinds,' and probably suggested this enactment. (LATHBURY *H. of Con.* 141; WHEATLY *C. P.* 24.). The *First Book of Homilies* was also published at this period (1547.), but it had not the sanction of Convocation; and likewise an "*Order of Matrimony*," (1547—8), though not openly authorized; as well as "*a Psalter*," which contained the *Litany* of 1544.

20.—The 'INJUNCTIONS,' as well as the *Visitation Articles* based upon them issued shortly after by Cranmer (in 1548), are of very great importance as exhibiting to us the state of Religion, and the Ceremonial practices of that time; but whether they are of force at the present day is a matter of dispute. Some affirm that they have been superseded by the subsequent Acts of Uniformity, and other Statutes, and by the Canons of 1603—4; all which invest the LITURGY, and by consequence the *Rubrics* in the Liturgy, with legal and binding authority in all matters of *Ritual* and *Ceremonial* order. Others, while coinciding with this opinion as regards the Liturgy, *per se*, yet suppose that these 'INJUNCTIONS' are comprehended in the *first Rubric* of the Liturgy as defining what *Ritual* matters were in use in the *second year* of Edward VI., and consequently that their observance by the Clergy is equally imperative with the Rubrics; whence many have proceeded to revive certain of the practices allowed in these 'INJUNCTIONS,' such as having "*two lights upon the High Altar, &c.*"* (See Vol. C. and FOX'S *Acts and Mon.* v. 706; WHEATLY C. P. 161; WILKIN'S *Conc.;* SPARROW'S *Coll.* 3; CARDWELL'S *Doc. Ann.* i. 7. 43.). This question however will be brought more satisfactorily under notice when we come to consider the *First Rubric*. We will therefore now proceed to the compilation of the LITURGY.

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* This was forbidden in the later Royal INJUNCTIONS issued (1549) shortly after the passing of the Act of Uniformity (CARDWELL'S *Doc. Ann.* i. 63.): and in the ARTICLES of Inquiry put forth by Bishop Ridley in *June* 1550, soon after his translation to the See of London (*ib.* i. 80, 81.): but the practice was revived by Cardinal Pole in his legatine Constitutions (1555), and in his subsequent Visitation Articles, 1557. (*ib.* i. 147, 174).

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The Compilation, &c. of the Liturgy.

21.—Soon after the return of the Ecclesiastical *Visitors* the Council of Regency appointed (*September* 21-3. A.D. 1548) a Commission of Divines, the same who drew up the 'Order of the Communion,' to proceed to the compilation of *one Public Liturgy* from the Breviaries, Missals, Rituals, and other Books of Offices at that time in use. These they compared with the ancient Liturgies, and the writings of the Fathers, and retained whatever they found consonant to the doctrine of Scripture, and to the forms of Worship of the early Christian Church, and rejected the numerous Romish innovations and corruptions of later growth. To these especial reference was made not only in their *Preface*, which appears in our present Liturgy in a secondary position under the title "*Concerning the Service of the Church*," but also in the succeeding section "*Concerning Ceremonies*," which in the first Liturgy followed the 'Commination Service.' The result of their labours is said to have been approved by *Convocation*, but this is questionable.* It certainly was ratified by the Legislature (by 2 & 3 *Edw.* VI. c. 1; which passed the House of Lords *Jan.* 15th, and the House of Commons, *Jan.* 21st, 1548-9.). This statute enjoined the use of the new LITURGY on the *Whitsunday* following (*June* 9th, 1549), requiring:—

'That all and singular Ministers in any Cathedral or Parish 'Church, or other place within.....the King's dominions, shall

* Whether the assent of the two Houses of Convocation was actually given to this *first* LITURGY is a matter of dispute: the balance of testimony is in the affirmative, subject however to the qualification that the Commissioners authorized by the King were either, as WHEATLY says, (*p.* 33), "a Committee of the two Houses," chosen by the Convocation; or that the members of Convocation "delegated their powers for the time being to the Royal Commissioners" chosen by the Crown—(See HEYLYN *Ref.* i. 132; FULLER *b.* VII. 386; LATHBURY *H. of Conv.* 139—142; CLAY *P. B. Ill.* ix; WHEATLY *C. P.* 24. 32.). A *Letter* from the Council to *Bp. Bonner* (dated *July* 23rd, 1549), enjoining him to set forth the new Liturgy, declares that it had the assent of *Convocation.*—CARDWELL'S *Doc. Ann.* i. 67. See also HOOK'S *Ch. Dict.* 6th. Ed. *p.* 370.

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'from and after the Feast of Pentecost next coming (*Whitsunday*, 'June 9th, 1549) be bounden to say and use the Mattens, 'Evensong, celebration of the Lord's Supper commonly called the 'Mass, and Administration of each of the Sacraments, and all 'their common and open Prayer in such *order* and *form* as is 'mentioned in the same Book, and *none other* or *otherwise*..... 'And.....that if any manner of Parson, Vicar, or other whatso-'ever Minister.....*refuse* to use the said Common Prayers, or to 'minister the Sacraments in such Cathedral, or Parish Church, 'or other places as he should use or minister the same, *in such* '*order and form* as they be mentioned and set forth in the said 'Book, or *shall use*, wilfully and obstinately in the same, *any* '*Rite*, *Ceremony*, *Order*, *Form*, *or Manner* of Mass, openly or 'privily, or Mattens, Evensong, Administration of the Sacraments, 'or other open Prayers (commonly called the Service of the 'Church) than is mentioned and set forth in the said Book;— '.....or shall preach, declare, or speak any thing in the *derogation* 'or *depraving* of the said Book, or any thing therein contained, or 'any part thereof, and shall be thereof lawfully convicted:.....by 'verdict of twelve men, or by his own confession, or by the '*notorious evidence of the fact*, shall lose and forfeit for his *first* 'offence one year's income of one of his Benefices or promotions, 'and suffer *six months' imprisonment*; for the *second* offence, '*twelve months' imprisonment*, and be deprived of *all* his spiritual 'promotions; and for the *third* offence, *imprisonment for life*.'— *Sect.* 1.

22.—This is the FIRST LITURGY of *Edward* VI. The earliest edition was that printed *March* 7th, 1548-9; and we find that many of the London Churches began to use the Book on Easter Day, 1549, which fell on *April* 21st. The Enactment above quoted is the *first* ACT OF UNIFORMITY. The Act is in force at this day (by 13 & 14 *Car.* II. *c.* 4. *s.* 24. See *postea*, and BURN'S *Eccl. L.* Phill. III. 411.); and likewise such *Rubrics* of this Liturgy as direct the 'Ornaments of the Church, and of the Ministers thereof.' (See on the *first* Rubric *postea*). The better to ensure the adoption of the Liturgy new *Injunctions* were issued, requiring Ministers "to use "no other Ceremonies than are appointed in the "King's BOOK OF COMMON PRAYERS" (CARDWELL'S *Doc. Ann.* i. 64); and others again, *December* 25th, 1549. (*ib.* i. 74.). These proceedings were followed by an enactment passed in the Parliament then sitting (3 & 4 *Edw.* VI. *c.* 10. 1549)—

'For abolishing and putting away all Antiphoners, Missals, 'Grailes, Processionals, Manuals, Legends, Pies, Portuasses, Primers, 'Couchers, Journals, Ordinals, or other Books or writings whatso-'ever heretofore used for service of the Church.'

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23.—Another Act was passed (3 & 4 *Edw.* VI. *c.* 11.) empowering the King to appoint a Committee to revise the *Ecclesiastical Laws, Canons, &c.* similar in its intention to 25 *Hen.* VIII. c. 19: 1534 (renewed by 27 *Hen.* VIII. *c.* 15, 1536; and 35 *Hen.* VIII. *c.* 16. 1544); but the Committee was not chosen before *November* 11th, 1551. The result of their labours was the '*Reformatio Legum Ecclesiasticarum*:' but as EDWARD died before it was presented to him for ratification, it was ineffectual. An attempt was made to renew this subject in 1571, but it fell to the ground from the want of Royal support. There was one other Statute bearing upon our subject passed in the same session (3 & 4 *Edw.* VI. *c.* 12), which authorized the issuing of a Commission to prepare an 'ORDINAL,' and enjoined its public use when completed. This "ORDINAL" appeared in *March*, 1549—50, and was adopted without other authority till it was introduced into the SECOND LITURGY, and acknowledged by Parliament as a part thereof by 5 & 6 *Edw.* VI. *c.* 1. (HEYLYN *Ref.* i. 172; COLLIER ii. 288.).

24.—The Bishops were anxious to see the new LITURGY adopted, and the *Act of Uniformity* obeyed, in their several Dioceses, particularly RIDLEY, who issued certain *Visitation* ARTICLES (in 1550), in which he inquires 'Whether 'any Minister useth wilfully and obstinately any other 'Rite, Ceremony, Order, Form or Manner of Communion, 'Mattens, or Evensong, Ministration of Sacraments, or 'open Prayers, than is set forth in the *Book of Common* '*Prayer*.' These he followed up in the same year with a body of INJUNCTIONS, wherein he directs among other things—'That the Minister, in the time of the Holy Com-'munion, do use only the *Ceremonies*, and *Gestures* ap-'pointed by the BOOK OF COMMON PRAYER, and none 'other.' (CARDWELL'S *Doc. Ann.* i. 79. 80. 82; WILKIN'S *Conc.* IV. 61.). A *Royal Commission* was also issued for the like purpose. (CARDWELL'S *Doc. Ann.* i. 93.).

THE SECOND LITURGY, (1552),

of *Edward* VI.

25.—Shortly after these proceedings, at the instance, it is said, of *Bucer*, and *Martyr*, (WHEATLY, *C. P.* 25; HEYLYN says, of *Calvin*, (*Ref.* i. 226. see *also* 136.), NICHOLLS says, of *Calvin* and *Bucer*, (Com. P. *Pref.* v.),

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who thought the FIRST LITURGY bore too near a resemblance to the Romish Service-Books, a few alterations were made by the same Commissioners with the view of including all degrees of Reformers within the pale of the Church, and the 'ORDINAL' was now inserted, and made part of the Book of Common Prayer. (CARDWELL'S *Conf.* 4.). This Revision appeared in 1552, as the '*New Service*,' or the SECOND LITURGY of *Edward VI;* and at the same time an Enactment was passed (5 & 6 *Edw.* VI. *c.* 1. *April*, 1552), ratifying the alterations then made, and sanctioning the addition of the '*Ordinal*.' The late ACT OF UNIFORMITY (2 & 3 *Edw.* VI. *c.* 1.) was also confirmed (by *Sect.* 5); and penalties were likewise enforced for *being present at* any 'Divine Service' deviating from the prescribed Form. Thus:—

'If any manner of person or persons.. ...shall.....willingly and 'wittingly hear and be present at *any other manner* or *form* of 'Common Prayer, of Administration of the Sacraments, of 'Making of Ministers in the Churches, or of *any other Rites* con-'tained in the Book annexed to this Act, than is mentioned and 'set forth in the said Book, or that is contrary to the Form of 'sundry provisions and exceptions contained in the former 'Statute (2 & 3 *Edw.* VI. *c.* 1), and shall be thereof convicted 'according to the Laws of this Realm.....shall for the *first offence* 'suffer, &c.'—5 & 6 *Edw.* VI. *c.* 1. *s.* 6.

The *Penalties* are altered by 1 *Eliz. c.* 2. *ss.* 4, 5, 6. (See *postea*). It may be also added, that persons attending the Forms of worship adopted in the *Meeting-Houses of Dissenters* are exempt from the amenities of these Statutes by the 'TOLERATION ACT,' (1 *Will.* & *Ma. c.* 18.), and more recent Statutes, and 9 & 10 *Vict. c.* 59.

26.—In the new '*Ordinal*,' now incorporated into the Prayer Book, a promise of *Conformity to the Liturgy* is solemnly exacted by the Bishop from every Candidate for the Priesthood, in these words:—

'BISHOP. Will you then give your faithful diligence always 'so to minister the Doctrine and Sacraments, and the Discipline 'of Christ as the Lord hath commanded, and *as this Church and* '*Realm hath received the same*, according to the commandments 'of God; so that you may teach the people committed to your 'Cure and Charge, with all diligence to keep and observe the 'same?'

'ANSWER. *I will so do by the help of the Lord.*'

27.—This *Revision* of the Liturgy does not appear

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to have been referred to the *Convocation* now sitting, although this Ecclesiastical body had been for some time considering the *Forty-two* ARTICLES OF RELIGION laid before them by Cranmer, and which they had just confirmed and ratified, 1552. (HEYLYN'S *Ref.* i. 257; LATHBURY'S *Hist. of Con.* 144; STRYPE'S *Cranmer*, i. 590; WAKE'S *State of Church* 597; WILKIN'S *Conc.* iv. 73.). The new Liturgy came into use on *November* 1st, 1552. (See CARDWELL'S *Two Liturgies* of EDW. VI.) An Act was also passed in the same Session (5 & 6 *Edw.* VI. *c.* 3. See *postea*) defining what days were to be kept as *Holy-days*, and *Fasting-Days;* and not long after this, king EDWARD died, *July* 6th, 1553.

28.—MARY, a zealous Romanist, now succeeded; and during her reign all progress in the Reformation was stayed, the Liturgy was abolished, and the Ecclesiastical Laws of EDWARD were repealed. The Reformers also, to secure personal safety, were obliged to betake themselves to the Continent. (See the *Proclamation* in CARDWELL'S *Doc. Ann.* i. 165.).

THE THIRD LITURGY, (1559),

or *Liturgy of Elizabeth.*

29.—On the accession of ELIZABETH (*November* 17th, 1558) the statutes of *Henry* VIII, and *Edward* VI, which had been repealed by MARY, were revived; the Royal Supremacy in Ecclesiastical matters was re-established, and the Reformed religion restored to the position it occupied at the death of Edward, by the '*Act of Supremacy*,' 1 *Eliz. c.* 1. 1558. (which was similar to 26 *Hen.* VIII. *c.* 1. See *supra.*); except that the *Liturgy* was not yet re-introduced. This statute also empowered the Queen and her successors to appoint Commissioners, who should exercise under the Crown all Ecclesiastical jurisdiction (*Sect.* 18). In virtue of this clause the '*High*

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Commission Court' was established; its tyrannous proceedings, however, eventually caused it not only to be abolished; but it was further enacted that no similar Court should ever again be erected,* (by 16 *Car.* I. *c.* 11. *ss.* 3, 5).

30.—A further *Review* of the PRAYER BOOK was now made (1559) by a Committee of Divines, the chief of whom was, probably, Guest; and after being approved by the Queen it was submitted to Parliament, who passed an *Act of Uniformity* to enforce its adoption from the 24th *of June* next following (1 *Eliz. c.* 2. *April* 28th, 1559). The members of *Convocation* being chiefly Romanists were not consulted in this Review,† (FULLER ix. 54.); yet the alterations had stronger leaning towards the *First* Liturgy of Edward, than towards the *Second* (CARDWELL's *Conf.* 18—41). In the Act occur the following important clauses respecting *Conformity, depraving* the Book of Common Prayer, the Ornaments, and Rites and Ceremonies.

Conformity enjoined. —'If any manner of Parson, 'Vicar, or other whatsoever Minister.....*refuse* to use the said '"COMMON PRAYERS," or to minister the Sacraments in such 'Cathedral, or Parish Church, or other places as he should use to 'minister the same, in such *order and form* as they be mentioned 'in the said Book; or shall wilfully and obstinately standing 'in the same, use *any other Rite, Ceremony, Order, Form,* or '*Manner* of Celebrating of the Lord's Supper, openly or privily, 'or Mattens, Evensong, Administration of the Sacraments, or

* Its revival under a new title was attempted by *James* II; but the celebrated '*Bill of Rights*' at the Revolution denounced its perpetual condemnation in these words:—'The Commission for 'erecting the late Court of Commissioners for Ecclesiastical Causes, 'and *all other Commissions and Courts of like nature*, are illegal and 'pernicious.' (1 *Will. & Ma.* Sess. II. *c.* 2; 1689.)

† The Bp. of Exeter (*Dr. Phillpotts*) says in his judgment in the Helston case, that it *was* referred to *Convocation*, (quoted in STEPHENS' *Eccl. Stat.* 2049; and in HARRISON'S *Inquiry*, 7.). *Bp. Cosins* affirms, that Convocation protested against the passing of this Act; and that there was not one Spiritual Peer that gave his assent either to the Act of Uniformity, or to the change of the Service of the Church.—(Additional Notes to NICHOLLS' *C. Pr.* 6; GIBSON'S *Cod.* 268, 305; D'EWES 28; BURN'S *Eccl. L.* Ph. iii. 414.)

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'other open Prayers (commonly called the Service of the 'Church), than is mentioned and set forth in the said Book;..... 'or shall preach, declare, or speak any thing in the *derogation* or 'depraving of the said Book, or any thing therein contained, or of 'any part thereof, and shall be therefore lawfully convicted..... 'by verdict of twelve men, or by his own confession, or by the '*notorious evidence of the fact*'.....he shall *forfeit* to the Queen for the FIRST OFFENCE one year's *profit* of his Benefice, and suffer *six months' imprisonment;* for the SECOND OFFENCE he shall suffer *one year's imprisonment*, and be *deprived* ipso facto; and for the THIRD OFFENCE, he shall be *deprived* ipso facto of *all* his spiritual promotions, and be *imprisoned for life.*—1 *Eliz. c.* 2. *ss.* 4, 5, 6. (See 2 & 3 *Edw.* VI. *c.* 1. *supra;* 13 & 14 *Car.* II. *c.* 4. *s.* 24. *postea;* and the case of *Rex* v. *Sparks*, 3; Mod. 79; and *Sanders* v. *Head* (1841) 3 Curt. 570). INDICTMENTS upon these Statutes must be preferred at the Assizes next after the commission of the offence. (BURN'S *Eccl. L.* Ph. iii. 428).

31.—The following clause, on the *Ornaments* of the Church and of the Minister, is the original of our first *Rubric*, and demands our attention.

Ornaments to be used. —'And be it enacted that such '*Ornaments of the Church, and of the Ministers thereof*, shall be 'retained and be in use, as was in this Church of England by 'authority of Parliament, in the *second year* of the reign of King 'EDWARD VI., *until other order shall be therein taken by the* '*authority of the Queen's Majesty*, with the advice of her 'Commissioners appointed and authorized under the Great Seal 'of England for causes *Ecclesiastical*, or *of the Metropolitan* of 'this Realm.'—1 *Eliz. c.* 2. *s.* 25.

32.—*Other Rites and Ceremonies.* —'And also, that 'if there should happen any contempt or irreverence to be used 'in the *Ceremonies* or *Rites* of the Church, by the mis-using of 'the Orders appointed in this Book, the Queen's Majesty may, 'by the like advice of the said Commissioners or Metropolitan, 'ordain and publish such *further Ceremonies* or *Rites*, as may 'be most for the advancement of God's glory, the edifying of his 'Church and the due reverence of Christ's holy mysteries and 'sacraments.'—*Sect.* 26. This Statute is *still in force* by 13 & 14 *Car.* II. *c.* 4. *s.* 24. See *postea.*

THE INJUNCTIONS.

33.—A *Royal Visitation* was instituted throughout the kingdom, at this period (1559), and for the guidance of the Visiting Commissioners in their inquiries, a body of 'INJUNCTIONS' was prepared, similar in many respects to those of EDWARD VI., and likewise a *Book of Visitation* ARTICLES, but their authority having now expired, our space will not admit of further allusion to them.

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WHEATLY however is of a contrary opinion. (*C. P.* 162. *n.* Corrie's ed. See SPARROW'S *Coll.* 65; CARDWELL'S *Doc. Ann.* i. 178; HEYLYN'S *Ref.* ii. 298; WILKIN'S *Conc.* iv. 182—191.) A '*Book of Orders*' was also subsequently issued (*October* 10th, 1561) by the Eccl. Commissioners for the like object. (HEYLYN'S *Ref.* ii. 360; BRITISH MAG. *Oct.* 1848. p. 419.) Elizabeth's "*Injunctions*" continued in force throughout her reign, and were from time to time reprinted. They supplied the deficiences of the Rubrics.

THE ARTICLES. (1562.)

34.—These proceedings were followed by the appearance of the XXXIX ARTICLES (or strictly, XXXVIII)* 'agreed upon by the Archbishops and 'Bishops of both Provinces, and the whole Clergy 'in the *Convocation* holden at London in 1562, and '*ratified by the Queen.*' (HEYLYN'S *Ref.* ii. 392. STRYPE'S *Ann.* i. 1. 472.) Among them bearing upon the subject of RITES and CEREMONIES are two, which define for the settlement of disputes the power that can decree Rites & Ceremonies; *viz.*—

The Authority of the Church.

'The CHURCH hath power to decree *Rites* or *Ceremonies*, and 'authority in controversies of Faith.....'† *Art.* XX.

Again.—'It is not necessary that Traditions and *Ceremonies* be 'in all places one and utterly alike; for at all times they have 'been divers, and may be changed according to the diversities 'of countries, times, and men's manners, so that nothing be 'ordained against God's Word. *Whosoever* through his *private* '*judgment*, willingly and purposely, doth openly break the

* These ARTICLES were originally drawn up by Cranmer, Ridley, and others, in 1552, in the reign of *Edward* VI. (CARDWELL'S *Syn.* i. 1. 61.), when they were XLII in number (See *par.* 27. *supra*); in the reign of *Elizabeth*, Abp. Parker (in 1562—3) reduced them to XXXVIII, and at a subsequent *revision* (in 1571), having restored the 29th *Article*, he brought the number to XXXIX, as they now exist.

† Respecting the authority of this controverted passage, as having been an interpolation of *Abp. Laud's*, although the clause is to be found in printed copies bearing date 1563, see SHORT'S *History of the Church of England*; and HARDWICK'S *History of the Articles.*

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'Traditions and *Ceremonies* of the Church, which be not 'repugnant to the Word of God, and be ordained and approved '*by common authority*, ought to be rebuked openly, (that 'others may fear to do the like), as he that offendeth against 'the common order of the Church, and hurteth the authority 'of the magistrate, and woundeth the consciences of the weak 'brethren. Every particular or *National Church* hath authority 'to *ordain*, *change*, and *abolish* CEREMONIES or RITES of the 'Church ordained only by man's authority, so that all things 'be done to edifying.'—*Art.* XXXIV.

There was another Article, the XXXVIth, entitled '*Of Consecration of Bishops and Ministers*,' designed to confirm the authority of the 'ORDINAL,' which will be introduced in its proper place. (See 'ORDINATION SERVICES.')

35.—These ARTICLES were shortly after (1571) revised, again ratified by the Convocation, and confirmed by Parliament, as will be presently seen; in the meantime we must speak of the 'BOOK OF ADVERTISEMENTS,' which occasioned the first open separation of the Non-Conformists from the Church of England; and which are considered by many authorities to be the basis of our present CANONS. About this time, (1563), the *Second Book of Homilies* was also published. It was chiefly from the pen of *Bp. Jewel.*

THE BOOK OF ADVERTISEMENTS. (1564—5).

36.—Notwithstanding the endeavours to establish *Uniformity*, such diversity of practice continued to prevail with respect to *Rites* and *Ceremonies*, and especially the '*Habits*,' that ELIZABETH, in accordance with the statute, (1 *Eliz. c.* 2. *ss.* 25, 26), which empowered her '*to take other order therein*,' wrote a Letter to Abp. Parker (*Jan.* 25th, some say the 15th, 1564—5) requiring him with the assistance of the other Bishops, commissioned for Causes Ecclesiastical, to reform, and repress the same. (STRYPE'S *Parker* i. 82—3, 307. 313—19; *App.* B. II. No. 15—28; BURNET'S *Hist. Ref.* Nares, iii. p. 460.) In obedience to the Royal mandate Parker immediately prepared certain '*Injunctions*' (*March* 1564—5); but on their being presented to the Queen, Her Majesty, under the influence of the Court party, changed her mind, and

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refused to confirm them. These 'INJUNCTIONS,' not receiving as expected the *immediate and direct Ratification* of Elizabeth, were designated by the Commissioners, 'ADVERTISEMENTS,' (*Libellus Admonitionum*), instead of *Articles*, or *Ordinances*, as they otherwise would have been termed. SPARROW'S *Coll.* 121; CARDWELL'S *Doc. Ann.* i. 287.) Whether however the Queen eventually *confirmed* them is a question of no trifling controversy. STRYPE infers that they afterwards (in 1565) received the Royal sanction (*Life of Parker*, i. 319. 432.): and it is known that the "*Book of Advertisements*" was soon distinguished as "THE QUEEN'S BOOK;" but Dr. CARDWELL states, that Parker in his Articles of inquiry issued in 1569 assigns to them '*public authority*,' but clearly distinct from that of the *Crown*. The Archbishop's question is,—Whether the Ministers do 'reade in manner appoynted 'the Quene's Majesties' Injunctions and Homelies; the 'Advertisementes lately sette forthe by publique authoritie: 'and whether the same in all poyntes be duly observed?'—(*Doc. Ann.* i. 288, 321). CARDWELL himself says, 'they 'were not binding in law, but they were considered 'binding, as they certainly were approved by the Queen.' (*Conf.* 39). Archbp. *Whitgift* also refers to them in his *Visitation* ARTICLES (of 1584) as having authority; where he says—'That all preachers, and others in Ecclesiastical 'Orders, do at all times wear and use such kynde of '*apparel* as is prescribed unto them by the 'BOOK OF 'ADVERTISEMENTS,' and her Majesty's 'INJUNCTIONS,' '*anno primo*.'—(ib. *Doc. Ann.* i. 413.). The power however conferred upon the *Metropolitan* by the same *sections* of this Act is not to be lost sight of in the consideration respecting the legal authority possessed by these '*Advertisements*' (See *extract* in *par.* 31. *Archdeacon* HARRISON, in his Historical Work on the Rubrics, when speaking of the Dress of the *Preacher*, brings forward numerous authorities to prove, in opposition to the majority of writers, that "there *was competent authority* for the *further order taken* in this BOOK OF ADVERTISEMENTS in regard to the Ornaments of the Minister, superseding, though silently, that of EDWARD'S FIRST BOOK....and (*it*) *was universully recognized as of absolute legal authority*." And further on he adds, "This Book of Advertisements finally went forth with full authority," (*Inquiry* 115, 123, 137.)

37.—Among the writers who seem to *support* the opinion that "THE BOOK OF ADVERTISEMENTS" *did*

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possess legal authority may be mentioned:—BP. ANDREWES *in App. to Nicholl's Book of C. P.* pp. 38—9; DR. BENNETT, *Par. on Book of C. P.* p. 5, also quoted in MANT'S *Book of C. P.* in loc; BP. BURNET, *Hist of Ref.* Nares, III. p. 460; DR. CARDWELL, *Synod.* I. p. 126, *n.* 287; *Conf.* p. 39, *n;* GOODE *Aids to Cerem.* p. 32; HARRISON, *Hist. Inq.* (as above) pp. 84—145; HEYLYN, *Ref.* II. 408; KEBLE *in Hooker*, Pref. (II. 10.) I. p. 175; QUARTERLY REV. *May*, 1843, p. 264; ROBERTSON, *How to Conform to L.* pp. 101, 303; RUBRIC EXAMINED, 8vo. London, 1737, p. 8; SCOBELL *on Church Matters*, pp. 44; SHARP *on Rubr. and Can.* p. 65; SHORT'S *Hist. of the Church*, p. 267; SPARROW, *Rationale* (1722) p. 248; STRYPE, *Life of Parker*, I. pp. 160, 319; &c.

Of those who apparently hold the *contrary* opinion, *viz.:* — that 'the *other order* (at least in the method prescribed by this Act, 1 *Eliz. c.* 2.) *was never made*,' are—AYLIFFE, *Parergon*, Introd. XXXV; BENSON, *Rubr. & Can.* p. 64; BURN, *Eccl. L.* Phil. III. p. 437; COLLIER, *Eccl. H.* II. p. 495—6; BP. COSINS *in App. to Nicholls Book of C. P.* p. 18; GIBSON, *Codex* t. XIII. c. II. p. 297; JOHNSON, *Vade Mecum*, I. p. 23; NICHOLLS *Com. on Book of C. P.* note on Act of Unif. of *Eliz.;* STEPHENS *Book of C. P.* (Eccl. H. Soc.) I. p. 39; *Eccl. Stat.* I. p. 370; and many others, which space will not admit of enumerating. (See LIST of *Authorities* consulted in the preparation of these Volumes, *postea*).

38.—The "ADVERTISEMENTS" moreover are expressly acknowledged in *Canon* 24, of those of 1603—4, which are still binding on the Clergy. It does not appear that the '*Advertisements*' were published before *March* 28th, 1566. (HARRISON, 122.) They however, were very objectionable to the Puritans, who began now, 1567, for the first time to set up a distinct worship. (COLLIER, ii. 511.) Further reference will be made to this subject as we proceed.

39.—ABP. PARKER continued to urge conformity to the Liturgy; and from time to time issued '*Articles of Inquiry.*' A few years later (in 1569), prompted perhaps by a *Letter* from the Council, dated *Nov.* 6th, 1569, (CARDWELL'S *Doc. Ann.* i. 315.), he enquires in his *Visitation* ARTICLES, among other matters, 'Whether they '(youre Prestes, Curates, or Ministers) do celebrate the 'same Divine Service in the Chauncell or in the Churche, 'and do use all Rites and Orders prescribed in the Boke

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'of Common Prayer, &c. and none other.'—(*ib.* i. 321.). GRINDALL, *Abp. of York*, issued similar 'ARTICLES' for the province of York (*May* 15th, 1571), enjoining the Clergy not to 'use at the ministration of the Communion, 'any Gestures, Rites, or Ceremonies, not appointed by the 'Book of Common Prayer.'—(*ib.* i. 334.).] The Bishops, generally, endeavoured to correct irregularities and abuses in order and discipline by occasional "Articles of Inquiry." There were also published about this time, (1570), the three Catechisms of Nowel, Dean of St Pauls. We come now to the

The Authority of the XXXIX *Articles.*

40.—It may not be out of place to give here in detail the *legal claim* upon our observance possessed by the XXXIX ARTICLES. Subsequently to their publication in 1562—3, they were *reviewed* by Archbp. Parker (in 1570—1); when the 29th was added, which made the number amount to XXXIX; and after being again ratified by *Convocation*, they were confirmed by the *Legislature*, 13 *Eliz. c.* 12. (1570—1). This Statute is in force at the present day, and rigidly demands our 'unfeigned assent and consent to all and everything they contain.' The wording, however, of the *first section* of the Act would appear to limit our Subscription, as it there states that every Spiritual Person is to 'declare his *assent*, and '*subscribe to*, all the ARTICLES OF RELIGION, which only 'concern the confession of the true Christian faith, and 'the doctrine of the Sacraments, *comprised in a Book* '*imprinted, intituled* ARTICLES, whereupon it was agreed 'by the Archbishops and Bishops of both provinces, and 'the whole Clergy in the Convocation held at *London* 'in the year of our Lord God, 1562, &c.' By this expression, BP. SHORT observes,—the 19th, 20th, 35th, and 36th, ARTICLES are virtually excluded (*Hist. of Church of England*, p. 326.). According to GIBSON, the *Articles* which concern *faith* and *doctrine* are the 1st, 2nd, 3rd, 4th, 5th, —, —, —, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, —, —, —, 22nd; and not the others. (*Codex.* 321). It should be observed, moreover, that the XXIXth ARTICLE was not embodied in the "*Book*" of ARTICLES referred to in the Statute. The *Revised* ARTICLES of 1570—1, at which date the XXIXth ARTICLE was introduced, and made up the number to XXXIX, were not published on *June* 4th, 1571, whereas the Parliament was dissolved on

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May 29th. The "Book," therefore, which the Act speaks of is that printed in 1563, which contained but XXXVIII ARTICLES, the Queen not having confirmed the XXIXth. Consequently, care must be taken not to advance the Statute, 13 *Eliz.*, as authority touching *nine and thirty* Articles. Clergymen, however, by more recent Enactments, Ecclesiastical, and Temporal, include the XXIXth in their '*Subscription*' to the XXXIX ARTICLES. (See *postea*).

41.—The Clergy of the *present day*, by the CANONS of 1603—4, and by the last ACT OF UNIFORMITY, 13 & 14 *Car.* II. *c.* 4, assent by their Subscription to *all* the Articles without exception. (See BP. LINCOLN'S '*Charge*,' 1846. *p.* 15.)

The *Statutes*, and *Canons*, by which the Clergy are now bound with respect to their conformity to the XXXIX ARTICLES here follow.

Impugning the said ARTICLES incurs 'deprivation.'—'If any person Ecclesiastical.....shall advisedly maintain or 'affirm any doctrine directly *contrary* or repugnant to any of 'the said ARTICLES, and.....shall persist therein, or not revoke 'his error.....it shall be lawful to the Bishop of the Diocese, 'or the Ordinary, or the said Commissioners to *deprive* such 'persons.' 13 *Eliz. c.* 12. *s.* 2.

This was *confirmed* by the CANONS of 1603—4 in these words.—'Whosoever shall hereafter affirm that any of the '*Nine* and *Thirty* ARTICLES agreed upon by the Archbishops 'and Bishops of both Provinces, and the whole Clergy, in the 'Convocation holden at London in 1562, for avoiding diversities 'of opinions, and for the establishing of consent touching true 'Religion, or in any part superstitious or erroneous, or such as 'he may not with a good conscience *subscribe unto*; let him 'be excommunicated *ipso facto*, and not restored, but only by the 'Archbishop, after his repentance, and public revocation of such 'his wicked errors.'—CANON 5.

Assent to the ARTICLES is required on ADMISSION *to a Living*.—'No person shall hereafter be *admitted to any Benefice* 'with cure, except he.....shall first have *subscribed* the said 'ARTICLES in presence of the Ordinary, and publicly *read* the 'same in the Parish Church of that Benefice with declaration 'of his *unfeigned assent* to the same, and that.....except within '*two months* after his Induction he do publicly *read* the said 'ARTICLES in the same Church whereof he shall have cure in 'the time *of Common Prayer* there, with Declaration of his '*unfeigned assent* thereunto.....he shall be upon every such '*default* 'ipso facto' immediately deprived.'—13 *Eliz. c.* 12. *s.* 3. *That is to say*, every Incumbent *before* Admission to a Living is to subscribe the XXXIX ARTICLES (now after the manner directed in *Canon* 36) in the presence of the Ordinary, and publicly *read*

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the said ARTICLES, and his *Declaration* of assent, in the Parish Church *during* (not *after*), Divine Service or Common Prayer and within *two* (*lunar*) *months* after his Induction (now by 23 *Geo.* II. *c.* 28. within *three months*), and that *assent* must be 'unfeigned,' *i. e. absolute and without any reservation:* and in default he is deprived, *i. e.* the Church is void *without sentence of deprivation*, or the interference of the Ordinary. (*Baker* v. *Brent.* Cro. *Eliz.* 680.).

Assent is also required before ORDINATION.—'None shall be made *Minister*, or admitted to Preach, or administer 'the Sacraments.....unless he first bring to the Bishop.....a testi-'monial.....of his professing the doctrine expressed in the said '*Articles* (xxxix): nor unless he be able to answer, and render 'to the Ordinary an account of his faith *in Latin*, according to 'the said *Articles*.....nor shall be admitted to the order of '*Deacon* or Ministry, unless he shall first *subscribe to the said* '*Articles*'—13 *Eliz. c.* 12. *s.* 5. 'All admissions, &c. and Licences 'whatsover to be made to the contrary hereof, shall be merely 'void in law as if they never were.'—ib. *Sect.* 7. (See also CANON 36. Vol. A).

Also by *Chancellors, Commissaries, and Officials*, as enjoined in the CANONS of 1603-4. 'No man shall hereafter 'be admitted a *Chancellor*, *Commissary*, or *Official*, to exercise 'any Ecclesiastical jurisdiction, except he.....shall *subscribe* to 'the ARTICLES OF RELIGION agreed upon in the Convocation 'of 1562.'—CANON 127.

And by *Heads of Colleges;* this is enjoined in the subsequent *Act of Uniformity* (13 & 14 *Car.* II.) in these words:—'Every *Governor* or *Head* of any of the said *Colleges* 'or *Halls*, hereafter to be elected or appointed, *within one month* 'next after his election or collation, and admission into the same 'Government or Headship, shall openly and publicly in the 'Church, Chapel, or other public place of the same College 'or Hall, and in the presence of the Fellows and Scholars 'of the same, or the greater part of them then resident, *subscribe* 'unto the *Nine* and *Thirty* ARTICLES OF RELIGION mentioned in 'the statute,'13 *Eliz. c.* 12.....and declare his unfeigned assent and 'consent unto, and approbation of, the said ARTICLES.....upon 'pain *to lose and be suspended* of and from all the benefits and 'profits belonging to the same Government or Headship, by the 'space of *Six Months*, by the Visitor or Visitors of the same 'College or Hall; and if any *Governor* or *Head* of any College or 'Hall, suspended for *not subscribing* unto the said ARTICLES,..... 'shall not at or before the end of *six-months* next after such 'suspension, subscribe unto the said ARTICLES.....and declare 'his consent thereunto as aforesaid.....then such *Government* or '*Headship* shall be 'ipso facto' *void*.'—13 & 14 *Car.* II. *c.* 4. *s.* 17.

And by *Lecturers*, and others.—'No person shall be, 'or be received as, a *Lecturer*, or permitted, suffered, or allowed 'to preach as a Lecturer, or to preach or read any Sermon or 'Lecture in any Church, Chapel, or other place of Public 'Worship within this Realm of England, &c. unless he shall 'in the presence of the same Archbishop, or Bishop.....read

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'the *Nine and Thirty Articles* of Religion mentioned in 13 *Eliz.* 'c. 12. with Declaration of his unfeigned *assent* to the same.'—ib. *Sect.* 19.

The *Subscription* to the XXXIX ARTICLES to be made by every Ecclesiastical person is defined in the *3rd Article* in CANON 36, to the effect,—

'That he *alloweth* the Book of ARTICLES OF RELIGION 'agreed upon by the Archbishops and Bishops of both provinces, 'and the whole Clergy in the *Convocation* holden at London in '1562: and that he *acknowledgeth* all and every the Articles 'therein contained, being in number *Nine* and *Thirty*, besides the '*Ratification*, to be *agreeable to the word of God*.'—CANON 36. (See *Vol.* A., and 'READING IN').

Schoolmasters licensed by the Bishop are also required to subscribe to the XXXIX ARTICLES, and to the *Royal Supremacy*, after the manner set forth in *Canon* 36, just mentioned. —'No man shall teach either in Public School or Private House, 'but such as shall be allowed by the Bishop of the Diocese or 'Ordinary of the place.....and also *except* he shall first subscribe 'to the 1st, and 3rd, *Articles* afore-mentioned simply, and to the '*two first* clauses of the *2nd Article*.'—CANON 77. As to subse-'quent *exemption*, see *postea*.

ARTICLE XXXVI, *On the Consecration of Bishops and Ministers*,' is by two especial clauses of the 'Act of Uniformity' included in all Subscriptions to the XXXIX ARTICLES;—'Such '*Subscriptions* shall be construed and be taken to extend, and 'shall be applied (for and touching the said *Six* and *Thirtieth* 'ARTICLE) unto the *Book* (of COMMON PRAYER) containing the 'Form and Manner of making, Ordaining, and Consecrating of 'Bishops, Priests, and Deacons, in this Act mentioned, in such 'sort and manner as the same did heretofore extend unto the 'Book set forth in the time of King *Edward* VI., mentioned in 'the said *Six* and *Thirtieth* ARTICLE.'—13 & 14 *Car.* II. *c.* 4. *ss.* 30, 31. (See *postea*.).

42.—Under the Statute of 13 *Eliz.* c. 12, which is at this day in force, a Clergyman was criminally proceeded against in 1808 for maintaining and affirming doctrines contrary to the ARTICLES, "especially preaching against the divinity of our Saviour:" and sentence of *Deprivation* was passed by his Diocesan by reason of his having virtually refused to revoke his error. *Bishop* v. *Stone* (1 Hagg. *Cons.* 433). *Lord Stowell* (Sir Wm. Scott) in giving judgment, thus remarked:—

'It was quite repugnant to the purpose for which the ARTICLES 'were designed, and to all rational interpretation, to contend that 'the construction of the ARTICLES should be left to the private

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'persuasion of individuals; and that every one should be at liberty 'to preach doctrines contrary to those which the wisdom of the 'State, aided and instructed by the wisdom of the Church, had 'adopted. That it was the idlest of all conceits that this was an 'obsolete Act; that it was in daily use, *in viridi observantiâ*, and as 'much in force as any in the whole statute book; and repeatedly 'recommended to our attention by the injunction of almost every 'sovereign who had held the sceptre of these realms. That as to '*preaching*, it should be according to those doctrines which the 'State had adopted, as the rational expositions of the Christian 'faith. That it was of the utmost importance that this system 'should be maintained; for what would be the state and condition 'of *Public Worship* if every man was at liberty to preach from the 'Pulpit of the Church whatever doctrines he might think proper to 'hold? Miserable would be the condition of the Laity if any such 'pretension could be maintained by the Clergy. That any Clergy-'man could assume the liberty of inculcating his own private 'opinions, in direct opposition to the doctrine of the Established 'Church, in a place set apart for its own public worship, was not 'more contrary to the nature of a National Church than to all 'honest and rational conduct. "At the same time," he says, "I 'think myself bound to declare, that it is not the duty nor inclina-'tion of this Court to be minute and rigid in applying proceedings 'of this nature, and that if any ARTICLE is really a subject of 'dubious interpretation, it would be highly improper that this 'Court should fix on one meaning, and prosecute all those who 'hold a contrary opinion regarding its interpretation. It is a very 'different thing where the authority of the ARTICLES is totally 'eluded, and the party deliberately declares the intention of teach-'ing doctrines contrary to them." And after referring to the particular case before him, which had been clearly proved, he says, 'The Court cannot refuse its authority to carry into effect the 'Statutes of the land. It might proceed immediately, as suggested 'by the King's Advocate, after the persisting in those doctrines 'which we have heard this day, to pronounce the sentence of the 'law. But the Court is disposed to act with the greatest indul-'gence to the party, and will now content itself with admonishing 'him to appear the next Court day to revoke his errors; with an 'intimation, that if he does not obey this admonition, the Court 'will feel itself under the necessity of proceeding to inflict the 'particular penalty which the statute directs." Accordingly, on the next Court day, *Mr. Stone*, the party proceeded against, tendered the following paper: "I, Francis Stone, Rector of Cold "Norton, in the County of Essex, do declare, that I was not aware "that by preaching my Sermon before the Archdeacon, I was "offending against an Act of Parliament passed in the reign of "Queen Elizabeth; and further, I was persuaded that my solemn "engagements with the Bishop at my Ordination as Priest author-"ized me to preach as I did. But as the Act of Parliament affirms "that I should preach only what is consistent with the THIRTY-"NINE ARTICLES, I do promise not to offend in like manner." LORD STOWELL, however, did not feel himself at liberty to accept this as a revocation; 'for that it was in fact directly the reverse; 'that there was no difficulty in framing what the Statute required; 'for it was plainly an assurance that the party who had offended

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'against the statute revoked his errors. And, considering that 'Mr. *Stone* had not revoked his errors, or complied with the requi-'sition of the statute, he directed the Registrar to record that the 'party had not revoked his errors; and sentence of *deprivation* was 'in consequence pronounced by the Bishop in the usual manner." (1 Hagg. *Cons.* 424.).

43.—Again, in the case of *Hodgson* v. *Oakley* (1 Robert. 322. 362), the defendant was proceeded against for publishing a pamphlet, entitled "*A Letter to the Lord Bishop of London*" in which Letter—while animadverting upon the proceedings which had been taken by the University of Oxford against a MR. WARD, who had published a Tract to justify the propriety of subscribing "THE ARTICLES," at Ordination *with a mental qualification* to the effect that no renunciation of the errors of the Church of Rome was involved in such subscription—in which '*Letter to the Bishop of London*,' we repeat, MR. OAKLEY declared *inter alia* 'that he held all the doctrines of the Church of Rome.' The Court held that such language was a maintaining and affirming doctrines repugnant to the ARTICLES of the Church of England of which he was a Minister. His *License* was, therefore, revoked; and he was inhibited from performing any ministerial duty whatever in the province of Canterbury until he should retract his error: this sentence was, in effect, *suspension*. He was also *condemned in the costs* of the suit. These proceedings having been taken under the general Ecclesiastical law, and not under the Statute law (13 *Eliz.*), the punishment was left to the discretion of the Court. (WADDILOVE'S *Digest*. p. 288. CRIPP'S *Law of the Church*, 616.). See the more recent cases of *Ditcher* v. *Denison*, for teaching 'Transubstantiation:' Bp. of *London* v. *Poole*, and *Shaw* v. *West*, for practising 'Auricular Confession,' contrary to the Articles of the Church of England. A Bishop, however, has power under the *Church Discipline Act*, (3 & 4 *Vict. c.* 86. *s.* 9.), where the party accused admits the truth of the charges brought against him, to pass sentence according to the Ecclesiastical law. (See the recent charge of

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heretical teaching, *Randall* v. *Randall*, in the Diocese of Chichester.)

The Canons of 1571.

44.—In the same *Convocation*, which reviewed and confirmed the XXXIX ARTICLES, a set of CANONS for the regulation of Discipline was also framed, and published under the title '*Liber Quorundam Canonum Disciplinæ Ecclesiæ Anglicanæ*' (in SPARROW'S *Coll.* 223); but as these CANONS were never submitted to the Lower House of *Convocation*, nor obtained the sanction of the Queen, nor the ratification of Parliament, they have no claim to legal authority. They appear to have been subscribed and approved by *Grindall*, Abp. of York, and his suffragans (STRYPE'S *Parker* ii. 57—62). Yet an attempt was at this time made to introduce the subject of Church discipline in the House of Commons by directing attention to CRANMER'S Book, the '*Reformatio Legum Ecclesiasticarum*,' which had been drawn up by that Reformer in pursuance of the 3 & 4 *Edw.* VI. *c.* 11. (1549); but its consideration then was defeated by the early death of the King. As the present proceeding however did not emanate from ELIZABETH, she put a stop to it as an encroachment upon her prerogative. (SHORT'S *Hist of the Ch.* p. 270.) It was found necessary shortly after (*Oct.* 20th, 1573, to issue a *Royal Proclamation* for enforcing conformity to the Liturgy, and obedience to the Act of Uniformity, which were continually interrupted by the introduction of other Rites and Ceremonies in Public Worship than were therein allowed:—

'For speedy remedy whereof, Her Majesty straightly chargeth 'and commandeth all Archbishops, and Bishops, and all Justices 'of Assizes, and Oyer and Terminer, and all Mayors, Head 'Officers of Cities and Towns Corporate, and all other who have 'any authority, to put in execution the *Act for the Uniformity of* 'COMMON PRAYER &c.'—(SPARROW'S *Coll.* 169; CARDWELL'S *Doc. Ann.* i. 350.).

This was strengthened by a Letter from the Council to the Bishops, dated *Nov.* 7th, 1573, requiring them 'to take a more 'vigilant eye to this *Uniformity*.'—(ib. *Doc. Ann.* i. 352.) Abp. *Whitgift* strictly enforced the Liturgy (1584): and in 1585, and 1588, he enquires in his *Visitation* ARTICLES in the Dioceses of Chichester, and Salisbury:—'Whether your Minister have used 'any other Form or Manner of Public Prayers, Administration of 'Sacraments, or any other Rites, Ceremonies, or Orders, than are 'prescribed by the "BOOK OF COMMON PRAYER;" or hath he 'altered them, or any of them, how, and in what manner?'—(ib. *Doc. Ann.* i. 413; ii. 3. 6. 13.)]

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THE FOURTH LITURGY, (1604.)

or *Liturgy of James* I.

45.—The next proceeding affecting the "BOOK OF COMMON PRAYER," and the maintenance of *Uniformity*, with which we are concerned, was a *review* of the LITURGY immediately after the accession of JAMES I., who came to the throne on the 7th of *May*, 1603. A '*Conference*' was held at HAMPTON COURT (*Jan.* 14*th*, 1603-4) with the design of meeting certain objections of the Puritan party; which resulted in a few slight alterations being effected by the Royal Commissioners (*Feb.* 9*th*, 1603-4); but they were never submitted to the *Convocation*, and 'possessed no 'legal authority, inasmuch as they were only sanctioned 'by the Royal *Proclamation* under which they were 'published (*March* 5*th*, 1603-4),* (SHORT, p. 544; CARDWELL'S *Conf.* 137; NICHOLL'S *Com. Pr.* Pref. vii.): and of a *second* Proclamation, issued *July* 16*th* of the same year, requiring conformity before the last day of *November* next coming. (CARDWELL'S *Doc. Ann.* II. 56, 60.) The King proceeded in this measure by virtue of 1 *Eliz. c.* 2. *ss.* 25, 26. (quoted in *par.* 32); and he, and Whitgift, both held that the King had authority to make *Alterations* in the Liturgy, although such power does not appear by the Act to have been continued in precise terms to the Queen's heirs and successors. (BURN'S *Ecc. L.* Ph. III. 415; NICHOLL'S *Com. P.* in loco). The changes, however, were recognized in the 80th *Canon* made in the same year, 1603-4. (CARDWELL'S *Conf.* 143.); and it is to this Prayer Book, that '*Subscription*' is enjoined in *Canon* 36. This *Revision*, of the Prayer Book however, has been since legalized by 13 & 14 *Car.* II. *c.* 4.

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* It should be remembered that the *new year*, i. e. 1604, did not begin till *March* 25th.

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THE CONSTITUTIONS AND CANONS. (1603—4.)

46.—THIS Revision of the Liturgy was followed shortly after by the appearance of a body of CONSTITUTIONS AND CANONS, 141 in number, designed to give effect to the decisions of the *Hampton Court Conference*. Their compilation was the work of Abp. Bancroft, and after passing the *Convocation* of the province of Canterbury (1603-4), they were ratified by the King, for himself, his heirs, and successors. In the following year they received the sanction of the *Convocation of York* (1605-6).

47.—In these CANONS many provisions were made for enforcing *Conformity to the Liturgy*. CANON 4, entitled '*Impugners of the Public Worship of God established in the Church of England censured*,' declares:—'Whosoever shall hereafter affirm, that the '*Form* of God's Worship in the Church of England, established 'by Law, and contained in the '*Book of Common Prayer and* '*Administration of Sacraments*,' is a corrupt, superstitious, or 'unlawful Worship of God, or containeth any thing in it that is 'repugnant to the Scriptures; let him be excommunicated *ipso* '*facto*, and not restored, but by the Bishop of the place, or Arch-'bishop, after his repentance and public revocation of such his 'wicked errors.'*—CAN. 4. (*Enforced* by 2 & 3 *Edw.* VI. *c.* 1. *s.* 1: 1 *Eliz. c.* 2. *ss.* 4, 5. 6; *revived by* 13 & 14 CAR. II. *c.* 4. *s.* 24: See *postea*.)

So again, '*Impugners of the* RITES *and* CEREMONIES *established in the Church of England censured*.'—'Whosoever shall hereafter affirm, that the '*Rites* and *Ceremonies* of the Church of England by Law 'established are wicked, antichristian, or superstitious, or such 'as, being commanded by lawful authority, men, who are 'zealously and godly affected, may not with any good conscience 'approve them, use them, or as occasion requireth, subscribe 'unto them; let him be excommunicated *ipso facto*, and not 'restored until he repent, and publicly revoke such his wicked 'errors.'—CANON 6. (*Enforced* by 2 & 3 *Edw.* VI. *c.* 1. *s.* 1; 1 *Eliz. c.* 1. *ss.* 4, 5, 6; *revived* by 13 & 14 *Car.* II. *c.* 4. *s.* 24.)

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* The remark of *Dr. Burn* must not be here omitted, he says—'the LITURGY of 13 & 14 *Car.* II. is not the same with that which 'the aforesaid CANONS (of 1603-4) do refer to; so that so far forth 'the said CANONS as to this matter are not now in force.'—(*Eccl. Law*. Phil. iii. 415. See *postea*.) This opinion however is much questioned.

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48.—The 'BOOK OF COMMON PRAYER' moreover is '*not to be diminished from, or added to*'; or as the title of the CANON expresses it—The '*Prescript Form of Divine Service to be used on Sundays, and Holy-Days.*'—'The *Common Prayer* shall be said or 'sung distinctly, and reverently, upon such days as are appointed 'to be kept Holy by the 'Book of Common Prayer,' and their 'Eves, and at convenient and usual times of those days and in 'such place of every Church as the Bishop of the Diocese, or 'Ecclesiastical Ordinary of the place, shall think meet for the 'largeness or straitness of the same, so as the people may be 'most edified. All Ministers likewise shall observe the *Orders*, '*Rites*, and *Ceremonies* prescribed in the Book of Common 'Prayer, as well in reading the Holy Scriptures, and saying of 'Prayers, as in Administration of the Sacraments, *without either* '*diminishing* in regard of Preaching, or in any other respect, '*or adding any thing* in the matter or form.'—CANON 14. (*Confirmed* by 13 & 14 *Car.* II. *c.* 4. *s.* 2. See *postea*).

In the UNIVERSITIES also the 'Book of Common Prayer' is to be used without omission or alteration; or, as the title of the CANON expresses it, '*Colleges to use the Prescript Form of Divine Service.*'—'In the 'whole Divine Service, and Administration of the Holy Com-'munion, in all *Colleges* and *Halls* in both Universities, the *Order*, '*Form*, and *Ceremonies*, shall be duly observed, as they are set 'down and prescribed in the 'Book of Common Prayer' *without* '*any omission or alteration.*'—CANON 16. (*Confirmed* by 13 & 14 *Car.* II. *c.* 4. *s.* 17.).

49.—*Conformity to the Liturgy* is also enjoined in the Second Article in the 36th CANON; the *three Articles* of this CANON are to be *subscribed* at the time of Ordination, and the pledge renewed whenever a fresh 'Cure of souls' is undertaken, otherwise no Licence can be granted by the Diocesan—'No person 'shall hereafter be received into the Ministry, nor either by institu-'tion or collation admitted to any Ecclesiastical Living, nor suffered 'to preach, to catechize, or to be a Lecturer, or Reader of Divinity, 'in either University, or in any Cathedral or Collegiate Church, 'City, or Market-town, Parish Church, Chapel, or in any other 'place within this realm, except he be *licensed* either by the Arch-'bishop, or by the Bishop of the Diocese where he is to be placed, 'under their hands and seals, or by one of the two Universities 'under their seal likewise; and except he shall first *subscribe* to 'these THREE ARTICLES following, in such manner and sort as we 'have here appointed:—

I. (On the *Royal Supremacy*, quoted in *par.* 13. See also 26 *Hen.* VIII. *c.* 1; 1 *Eliz. c.* 1. *ss.* 19, 22, 25; 8 *Eliz, c.* 1; and ARTICLE XXXVII; also 1 *Will.* & *Ma. c.* 8. *s.* 12).

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II. 'That the *Book of Common Prayer*, and of Ordering 'of Bishops, Priests, and Deacons, containeth in it nothing con-'trary to the Word of God, and that it may lawfully so be used; 'and that he himself will *use the form* in the said Book prescribed 'in Public Prayer, and Administration of the Sacraments, and 'none other.'—See 2 & 3 *Edw.* VI. *c.* 1. *s.* 1; 1 *Eliz.* *c.* 2. *ss.* 4—6; 13 & 14 *Car.* II. *c.* 4.

III. (On the XXXIX *Articles*, quoted in *par.* 41. See also, 13 *Eliz.* *c.* 12. *ss.* 1, 2, 3. 5. 7; and 13 & 14 *Car.* II. *c.* 4. *ss.* 17. 19.)

(*Form of Subscription*).

'*I, C * * * D * * *, do willingly and from my heart* (ex 'animo) *subscribe to the* XXXIX ARTICLES *of Religion of the United* '*Church of England and Ireland, and to the* THREE ARTICLES *in* '*the* thirty-sixth Canon; *and to all things therein contained.*"
(Signature) '*C * * * D * * *.*'

'And if any Bishop shall ordain, admit, or *license* any, as is 'aforesaid, except he *first have subscribed* in manner and form 'as here we have appointed, he shall be suspended from giving of 'Orders and Licences to preach for the space of twelve months.'—CANON 36.

This is *confirmed* by the next CANON, which says:—'None licensed, as is aforesaid, to Preach, Read, Lecture or 'Catechize, coming to reside in any Diocese, shall be permitted 'there to Preach, Read, Lecture, Catechize, or minister the 'Sacraments, or to execute any other Ecclesiastical function, 'by what authority soever he be thereunto admitted, unless he 'first *consent* and *subscribe to* the THREE ARTICLES before men-'tioned, in the presence of the Bishop of the Diocese, wherein 'he is to Preach, Read, Lecture, Catechize, or administer the 'Sacraments, as aforesaid.'—CANON 37.

"*Revolters after Subscription censured.*"—'If any 'Minister after he hath once subscribed to the said *Three* 'ARTICLES, shall *omit to use* the Form of Prayer, or any of the 'Orders or Ceremonies prescribed in the Communion Book, let 'him be suspended: and if after a month he do not reform and 'submit himself, let him be excommunicated; and then if he 'shall not submit himself within the space of another month, let 'him be deposed from the Ministry.'—CANON 38.

In the case of *Sanders* v. *Head*, (Nov. 14. 1841) Sir Herbert Jenner Fust gave sentence of *Suspension for three years* for 'depraving the Book of Common Prayer' after Subscription made. (3 Curt. 570).

There are others of these CANONS bearing upon separate portions of the Liturgy, which will be brought forward in their order.

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Authority of the Canons of 1603-4.

50.—As to the *binding Authority* of these CANONS upon the Clergy of the present day, this has been conclusively decided in the judgment of Lord Hardwicke in the case of *Middleton* v. *Crofts*, A. D. 1736; (BLACKSTOE'S *Com.* I. 83; BURN'S *Eccl. L.* Phil. p. xxvii; LATHBURY'S *Hist. of Convoc.* p. 212; ROGERS' *Eccl. L.* p. 133; STEPHENS' *Laws Rel. to Clergy*, p. 227); who says:—

> 'We are all of opinion that the *Canons of* 1603—4, not having 'been confirmed by Parliament, do not *proprio vigore* (by their 'own force and authority) bind the Laity'.....When, however, they are 'declaratory of the ancient usage, and law of the Church 'of England [*ante* 25 *Hen.* VIII. *c.* 19. *s.* 7; (quoted in *par.* 10), *revived by* 1 *Eliz. c.* 1.] they *will bind* the Laity.....'What is *new* 'in them will *not* bind the Laity; only the Clergy.' Further on, he adds, 'It is rigidly said in 2 *Salk.* 673, that the King's con-'sent to a CANON *in re Ecclesiastic* amakes it a Law to bind the '*Clergy, but not the Laity.*'—BURN'S *Eccl. Law*, Phil. I. p. xxvii.

It is important also to know that this opinion has regulated the decisions of the *Ecclesiastical Courts* from that day to this. (See 2 *Atk.* 158, 650; *Carth.* 485; 1 *Lev.* 436; 1 *Salk.* 134; 2 *Salk.* 673; *Stra.* 1056; 6 *Ves.* 421.). In *Bird* v. *Smith* (Moor, Sir F. 783), the Court resolved 'that the CANONS of the 'Church, made by the Convocation and King, bind in 'matters Ecclesiastical, as much as an Act of Parlia-'ment.'

Chief Justice VAUGHAN said, in *Hill* v. *Good* (Vaugh. 327),—'A lawful CANON is the law of the 'kingdom, as well as an Act of Parliament; and what-'ever is the law of the kingdom is as much the law as 'any thing else that is so; for what is law does not '*suscipere magis aut minus.*'

And, in *Grove* v. *Elliot, D. D.* (2 Ventr. 44.) 'CANONS in England are the Laws which bind and 'govern in Ecclesiastical affairs.' (STEPHENS' *Laws Relating to the Clergy*, p. 227.).

And further, 'What is expressly required by the 'CANONS is not repealed by disuse; the Court is to

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'see whether it is necessary for the purposes of justice 'in the particular case.'—(*Herbert* v. *Herbert*, Phil. ii. 443).

LORD HARDWICKE, in *More* v. *More*, said, 'No Ecclesiastical 'person can dispense with a CANON, for they are obliged to pursue 'the directions in them with the utmost exactness, and it is in the 'power of the Crown to do it only.' (2 Atk. 157—8.)

LORD DENMAN, in his judgment in *Reg.* v. *Chadwick* (the case of Marriage with a deceased Wife's Sister. *Nov.* 17, 1847), accords with the opinion of Lord Hardwicke, for he says:—'The first 'authority to which I shall now refer is the CANON of 1603; 'not that I attribute any more legal force to these CANONS 'than *Lord Hardwicke*, and *Lord Holt*, and other great Judges 'have done, but they are very important, as showing the state 'of opinion upon the subject, and which ruled the Courts which 'had to decide upon that matter.....they show what, in point of 'fact, was the prevailing law upon this subject;.....from that time 'to the present, it is admitted, that all opinion and authority have 'gone along with the case of *Hill* v. *Good*, and that has been the 'universal opinion since.'—*Cripp's* Eccl. Cases, p. 40—1.

51.—As regards *quasi-ecclesiastical* persons, such as CHURCHWARDENS, APPARITORS, PROCTORS, REGISTRARS, &c. the binding force of these CANONS has not been legally decided. 'The Temporal Courts,' says BURN, 'in the adjudications which have been made do proceed 'upon a supposition that these CANONS *are in force*.' And after referring to *Lord Hardwicke's* judgment, he adds 'that the regula- 'tion of the *Officers* according to the measures prescribed by these 'CANONS, is not so much of necessity as of convenience: that 'the CANONS in these respects are a good rule to go by, but 'not of peremptory obligation; and therefore that the authority 'which the Court exerciseth over its Officers according to these 'CANONS, is not from the CANONS themselves, but from that power 'which every Court hath over its own *Officers* by the Common 'Law, by the ancient *Canon Law*, and by every Law; for without 'this, there could be no Courts at all.'—(*Eccl. L.* Phil. *Pref.* p. xxx.)

52.—Although these CANONS of 1603-4 form the basis of the Ecclesiastical Law of the present day in so far as the Clergy are concerned, and rule the decisions of our Ecclesiastical Courts; yet the *practical* authority of the *Canons*, the necessity, that is, of their being now adopted and put in use according to their *litera scripta*, is a point much disputed.

53.—The *Canons* in many instances are only declaratory of the law as to what shall be its execution,

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and not always introductory of the offence, as was shown in the case of *Crompton* v. *Butler* (1 Hagg. *Con.* 464. *note*). And further, it should be borne in mind, that these CANONS of 1603 were originally framed in Latin, and the English translation is not altogether sufficiently accurate to be depended upon; so that, in any doubtful case, reference should be made to the Latin Text. The ambiguity in the translation of the last clause of the 106th CANON (on Divorce) gave rise to considerable discussion in the case of *Donegal* v. *Donegal* (3 Phil. 594. 2 Add. 189. *notes*).

Among many authorities upon this question the following may be quoted:—

ARCHDEACON SHARP observes:—'I believe *no one* will say that 'we are bound to pay *obedience* to them all *according to the letter* 'of them. For the alterations of customs, change of habits, and 'other circumstances of time and place, and the manner of the 'Country, have made *some of them impracticable;* I mean pru-'dentially so, if not literally. *Others of them are useless and invalid* '*of course*, through defect of proper officers and proper inquiries 'to render them of force and effectual: and there are hardly any 'of them but what have been upon extraordinary occasions *dis-'pensed with* by our Governors.' (*Rubric and Can.* p. 9.) Further on he observes, 'I think it is agreed on all hands, and maintained 'by the Common Lawyers as well as Civilians that the CANONS (at 'least with respect to us of the Clergy....) *are law, and binding* 'under their several penalties, in all cases whatsoever, where they 'do not contradict or interfere with the laws of the State. And I 'think it is agreed likewise, that they, like other Laws, are to be '*expounded in the obvious grammatical sense* of the words in which 'they are expressed, or by the interpretation of the Ecclesiastical 'Judges, before whom they are pleaded as law....(who) interpret 'them always *according to the letter*. The immediate inference 'from which should seem to be that they ought likewise "*in all* "*cases to be literally conformed to*." And yet if we should lay this 'down as an invariable or indispensable rule of practice, as 'matters now stand with us, in all cases to pay a literal obedience 'to the CANONS, we should soon find ourselves so entangled and 'beset with difficulties, as would puzzle both professions of the 'Law as well as our own to extricate us out of.' (*ib. p.* 83.)—CHARGES. A.D. 1731—38.

THE *late* BISHOP OF LONDON (*Dr. Blomfield*)* follows very much the opinion of *Lord Hardwicke* above quoted; he says—'With

* The Author would remind the Reader, that quotations from Episcopal Charges, and other authorities, upon one *specific question*,

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'respect to the CANONS, as we, who are Clergymen, cannot question 'their *Synodical* authority, so we must believe, upon the strength 'of the highest legal decision, that they are *binding* as part of the '*law of the land* on the whole Clergy of the Realm; and although 'they do not *proprio vigore* bind the Laity, there are many pro-'visions therein, declaratory of the ancient usage and laws of the 'Church of England, which in that respect and by virtue of that 'authority, do *bind the Laity also*.'....Yet his Lordship further observes,—'The CANONS may, in certain cases, by competent 'authority be lawfully *dispensed with*....In some cases, it may 'happen, with respect to both RUBRICS and CANONS, that a literal 'compliance with them is impracticable; and to such cases the 'maxim of *necessitas non habet legem* obviously applies.'—*Charge*, '1842. p. 41.

Rev. C. BENSON (late *Master of the Temple*) commenting upon these passages of the BP. OF LONDON'S *Charge*, inquires—'Where, 'then, and in whom is the authority competent to *dispense with* the 'CANONS of 1603, supposed to reside? Material as this point is, we 'find upon it no definite statement in the BISHOP OF LONDON'S '*Charge* in 1842....I apprehend....the *Ordinary* is the person 'alluded to, as having this competent authority. If I am right in 'this conjecture, the competency of the authority may, I think, 'with safety be *denied*. For it is clear, that there is no Ecclesiastical 'functionary in the English Church who can, for a moment, claim 'the privilege of freeing men from the duty of obedience to the 'Law of the land; except where a discretionary power to do so has 'been distinctly conceded to him by the Law itself. It is also clear, 'that the obligation of the Clergy to observe the CANONS rests upon 'their being the Law of the land to them, and I am not aware 'of any dispensing power being entrusted to the *Ordinary* by that 'Law. The only authority, therefore, which is competent to 'relieve the Established Clergy from the duty of observing the 'CANONS of 1603, is that which created it—the *supreme Legislature* 'in Church and State. An *Ordinary* is as incompetent as an over-'seer to dispense with the observance of legal CANONS....Whether, 'therefore, a CANON has been "long and generally *neglected*," or 'carefully and uninterruptedly observed; whether it does or does 'not relate to "a matter of vital importance to the Church," the 'connivance of "those whose duty it was to require its observance 'if they thought it necessary," can never so sanction the neglect as 'to make the CANON cease to be in force. The obligation still re-'mains, though *not as a point of conscience*, yet as a point of *Law*; 'and each Clergyman must persevere in his disobedience at his 'own peril....With the exception of such as have been modified or 'repealed by subsequent statutes, the whole body of those passed 'by Convocation in 1603 *is in force*, and must remain in force as 'Law, until the supreme Legislature may be pleased to rescind or 'dispense with the observance of the whole or any part of them, by

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and which in a work of this kind must necessarily be as brief as possible, will not always convey the sentiments of those writers upon the *general subject*; he therefore deprecates their application beyond the point they are intended to elucidate.

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'the Ministers of the Established Church....The conclusion of the 'whole matter is that the immediate observance of all the CANONS, '*wherein observance is practicable*, is a legal....obligation.' (*p.* 13—17).—*On Rubrics and Canons.*

The BISHOP OF EXETER (*Dr. Phillpott*), in his 'Charge' on the judgment in the Appeal case of *Escott* v. *Mastin*, speaking of the CANONS, observes,—'A *Canon*, purporting to extinguish a right 'created or recognized by the Law of the land, is not worth the 'paper on which it is printed.' And again, in his Lordship's judgment in the *Helston case* (in re *Walter Blunt*, Clerk), he declares—'Where the reason for any *Canon* has ceased, and where, on that or 'any other account, it has long been suffered by the Ecclesiastical 'authorities to *remain unenforced, it is not necessarily to be at once* '*called again into activity*; certainly not without previous notice.' —(quoted in STEPHENS' *Eccl. Stat.* p. 2052).

DR. HOOK remarks upon these CANONS, that they 'are the 'Laws of the land, and by the same authority as any other part 'of the Law; for being authorized by the King's Commission ac-'cording to the form of the Statute, 25 HEN. VIII. (quoted above, '*par.* 9.), they are warranted by Act of Parliament; and such 'Canons made and confirmed, shall bind in Ecclesiastical matters 'as much as any Statute....they are part of the Laws of the land 'for the government of the Church, and *in such case bind the Laity* '*as well as the Clergy*.'—*Dict.* Art. CANONS.

Rev. W. GOODE, in his work on '*Ceremonial*,' and when discussing the question of a Prayer before the Sermon, says:—'Speaking '*legally*, we are required to use the Form given in the CANON.' And further on he adds, '....A code of Canons (of 1603-4) of 'which the 14th binds us to the exclusive use of the Rites and 'Prayers of that Book,' (the Book of Com. Pr.)—*Cerem. of Church of England*, 92, 102.

At a *Conference* of the AUSTRALIAN BISHOPS,* the following decree was passed with respect to these *Canons*:—'We are of 'opinion that the CONSTITUTIONS and CANONS, &c. (of A.D. 1603-4), 'form part of the established constitution of our Church, and *are* '*generally binding upon ourselves, and the Clergy* of our respective 'Dioceses. Where they *cannot be literally complied with*, in conse-'quence of the altered state of circumstances since the enactment 'of the CANONS, we are of opinion that *they must be, as far as* '*possible, complied with in substance.* We concur also in thinking 'that a revisal and fresh adaptation of the CANONS to suit the 'present condition of the Church is much to be desired, so soon as 'it can be lawfully undertaken by persons possessing due authority 'in that behalf.'—See *Eccl. Gazette*, June, 1851.

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* This Conference of the *Metropolitan* and *Bishops of Australia* was held at Sydney, from *October* 1st to *November* 1st, A.D. 1850, and the Decrees were subscribed by W. G. Sydney (*Broughton*); G. A. New Zealand (*Selwyn*); F. R. Tasmania (*Nixon*); Augustus, Adelaide (*Short*); C. Melbourne (*Perry*); W. Newcastle (*Tyrrell*).

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At a *Conference of the Bishops** of BRITISH NORTH AMERICA, one of the Minutes, referring to the CANONS of 1603-4, declares:—'Although it is confessedly *impossible* under existing circumstances 'to observe all these CANONS, yet we are of opinion that *they should* 'be complied with so far as is lawful and practicable. But inasmuch 'as the retention of rules which cannot be obeyed is manifestly 'inexpedient, and tends to lessen the respect due to all laws, we 'hold that a *revision* of the CANONS is highly desirable, provided it 'be done by competent authority.'—*Eccl. Gazette*, August, 1852.

54.—Nothing further of importance affecting the LITURGY, or Church discipline, was attempted in the reign of JAMES I; and little was done in the troublous times of his unfortunate successor CHARLES I; the the only proceedings indeed in relation to our subject were the imposition of a LITURGY on *Scotland* in 1637; and the passing of Laud's *seventeen* CANONS by the Houses of *Convocation* in 1640.

The Scotch Liturgy, (1637).

55.—This LITURGY, differing but little from the English '*Book of Common Prayer*,' was drawn up by a few Scotch Bishops, who had solicited CHARLES I. to be allowed the use of a Formulary of their own compilation rather than be forced to adopt the English Liturgy in its entirety, as they knew had been long urged by *Laud*. Permission being granted, and their task completed, the Book was forwarded to England, and referred by CHARLES to *Laud*, *Juxon*, and *Wren*, who made some few alterations and amendments in it; after which the King gave it his approval, and by a *Proclamation* appointed it to be read in all the Churches of Scotland, on and after *Easter-Day*, 1637. But as there were many of the Scotch Bishops who had not been consulted in its preparation; and as it had never been submitted to the General Assembly of the Kirk; nor laid before the Scotch Privy Council; this '*Service Book*' was received with much ill-favour; the opposition indeed became so tumultuous and violent as to

* This Conference of the *British-American Bishops* was held at Quebec from *September* 24th to *October* 1st, A. D. 1851; and the Decrees were subscribed by G. J. Quebec (*Mountain*); John, Toronto (*Strachan*); Edward, Newfoundland (*Field*); John Fredericton (*Medley*); F. Montreal (*Fulford*).

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threaten a rebellion, the consequence of which was, that the King felt compelled to submit to its immediate withdrawal.

From the circumstance of many passages in the *Scotch Liturgy* serving to elucidate several doubtful points in our own, it was thought right to give this brief notice of its origin, the more especially as its *Rubrics* will be occasionally adverted to in these pages. We will now speak of LAUD'S *Canons*.

THE CANONS of A. D. 1640.

56.—Although these *Canons* were ratified by the King, yet they possess no *legal* authority, because they were framed in a Convocation which had improperly continued its sittings after the Parliament had been dissolved; and by virtue only of an *additional* writ, which gave it the character of a *Synod* rather than of a Convocation. The CANONS at this time passed were seventeen in number, and became in a short time very unpopular, particularly the *Sixth*, enforcing the '*Et cætera Oath*,'—'An Oath,' as its title observes, 'enjoined for the preventing of all Innovations in Doctrine and Government.' The framing of these Canons formed one of the strongest charges against *Abp. Laud.*

57.—As the *Seventh* of these CANONS, entitled, '*A Declaration concerning some Rites and Ceremonies*,' which is the only one on these subjects, has influenced certain of the practices of many of our modern strict Rubricians, it is here quoted in full (from SPARROW'S *Collection*, p. 361.) It relates especially to the "*Communion-Table*," and to "*Obeisances*":—

'vii. Because it is generally to be wished, that unity of Faith 'were accompanied with uniformity of practice, in the outward 'worship and service of God; chiefly for the avoiding of groundless 'suspitions of those who are weak, and the malitious aspersions of 'the professed Enemies of our Religion; the one fearing the Innovations, the other flattering themselves with the vain hope of our 'backslidings unto their Popish superstition, by reason of the '*situation* of the COMMUNION-TABLE, and the *approaches* thereunto, 'the *Synod* declareth as followeth:'

'That the *standing* of the COMMUNION-TABLE *side-way under* '*the East-window*, of every Chancel or Chappel, is in its own 'nature indifferent, neither commanded nor condemned by the 'Word of God, either expressly, or by immediate deduction, and 'therefore that no Religion is to be placed therein, or scruple to be 'made thereon. And albeit at the time of Reforming this Church 'from that gross superstition of Popery, it was carefully provided

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'that all means should be used to root out of the minds of the 'people, both the inclination thereunto, and memory thereof; 'especially of the Idolatry committed in the Mass, for which cause 'all Popish Altars were demolished: yet notwithstanding it was then 'ordered by the Injunctions and Advertisements of Queen *Elizabeth* 'of blessed memory, that the holy Tables should stand in the place 'where the Altars stood, and accordingly have been continued in 'the Royal Chappels of three famous and pious Princes, and 'in most Cathedral, and some Parochial Churches, which doth 'sufficiently acquit the manner of placeing the said Tables from any 'illegality, or just suspition of Popish superstition or innovation. 'And therefore we judge it fit and convenient that all Churches 'and Chappels do conform themselves in this particular to the 'example of the Cathedral or Mother Churches, saving always the 'general liberty left to the Bishop by law, during the time of 'Administration of the Holy Communion. And we declare that 'this situation of the holy Table, doth not imply that it is, or ought 'to be esteemed a true and proper Altar, whereon Christ is again 'really sacrificed: *but it is, and may be called an Altar by us, in 'that sense in which the Primitive Church called it an Altar, and in 'no other.*'

'And because experience hath shewed us, how irreverent the 'behaviour of many people is in many places, some leaning, others 'casting their hats, and some sitting upon, some standing, and 'others sitting under the Communion-Table in time of Divine Ser-'vice: for the avoiding of these, and the like abuses, it is thought 'meet and convenient by this present Synod, that the said *Com-'munion-Table in all Chancels or Chappels be decently severed with 'Rails*, to preserve them from such or worse profanations.'

'And because the Administration of holy things is to be per-'formed with all possible decency and reverence, therefore we judge 'it fit and convenient, according to the word of the Service-Book 'established by Act of Parliament, '*Draw near*, &c.' that all 'Communicants with all humble reverence shall draw and approach 'to the holy Table, there to receive the Divine Mysteries, which 'have heretofore in some places been unfitly carried up and down 'by the Minister, unless it shall be otherwise appointed in respect 'of the incapacity of the place or other inconvenience, by the 'Bishop himself in his jurisdiction, and other Ordinaries respec-'tively in theirs.'

'And *lastly*, Whereas the Church is the house of God, dedicated 'to His holy worship, and therefore ought to mind us, both of the 'greatness and goodness of His Divine Majesty, certain it is that the 'acknowledgment thereof, not only inwardly in our hearts, but also 'outwardly with our bodies, must needs be pious in itself, profitable 'unto us, and edifying unto others. We therefore think it very 'meet and behoveful, and heartily commend it to all good and well-'affected people, members of this Church, that they be ready to 'tender unto the Lord the said acknowledgment, *by doing reverence, 'and obeisance both at their coming in, and going out of the said 'Churches, Chancels or Chappels*, according to the most ancient 'custom of the primitive Church in the purest times, and of this 'Church also for many years of the reign of Queen *Elizabeth*. The 'reviving therefore of this ancient and laudable Custom, we heartily 'commend to the serious consideration of all good people, not with 'any intention to exhibit any Religious Worship to the Communion-

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'Table, the East, or Church, or any thing therein contained in so 'doing, or to perform the said gesture in celebration of the holy 'Eucharist, upon any opinion of a corporal presence of the body of '*Jesus Christ* on the holy Table, or in mystical Elements, but only 'for the advancement of God's Majesty, and to give Him alone that 'honor and glory that is due unto Him, and no otherwise; and *in the* '*practise or omission of this Rite*, we desire that the Rule of Charity 'prescribed by the Apostle, may be observed, which is, that they 'which use this Rite, despise not them who use it not; and that 'they who use it not, condemn not those that use it.'

58.—At the *Restoration* especial care was taken by the Parliament of that day that these *Canons* should not be confirmed; as may be perceived in the Act, 13 *Car.* II. *c.* 12. 1661, which enacted:—'This 'Act, or anything therein contained, shall not extend or be con-'strued to extend to give unto any Archbishop, Bishop, or any 'other Spiritual or Ecclesiastical judge, officer, or other person or 'persons aforesaid, any power or authority to.....confirm the '*Canons made in the year* 1640, *nor any of them*, nor any other 'Ecclesiastical Laws, or Canons, not formerly confirmed, allowed, 'or enacted by Parliament, or by the established Laws of the 'Land as they stood in the year of our Lord, 1639.'—*Sect.* 5.

59.—This Enactment, (13 *Car.* II.), decides their *illegality* at the present day, yet the late BISHOP OF LONDON, (*Dr. Blomfield*), in his '*Charge*' of 1842, allows in some degree their observance:—

'Although,' he says, 'I do not consider the CANONS of 1640 to 'be binding upon the Clergy, I see no very serious objection to the 'custom therein commended, as having been the ancient custom of 'the primitive Church, and of this also for many years in the reign 'of Queen Elizabeth, of *doing obeisance on entering and leaving* '*Churches and Chancels;* not, as the CANON expressly declares, "with any intention to exhibit any religious worship to the Com-"munion-Table, the East, or Church, or any thing therein con-"tained &c.".....But that the Clergy, although they are *at liberty* 'to use this custom, are *not obliged* to do so.'—(*p.* 44).

The following opinions on this head are worthy of perusal.

Rev. C. BENSON observes upon this:—'Whether the *Synod*, 'thus constituted, had power legally to make CANONS, was 'strongly contested at the time, and it was maintained that the 'statute prohibiting the Clergy from "making *Canons* without the 'King's leave" did not imply any permission to make them by his 'leave alone. But, whatever doubt might remain upon this ques-'tion was removed, so far as the case now before us is concerned, 'after the Restoration of CHARLES II. An Act was then passed 'forbidding all Ecclesiastical persons whatever from attempting to 'confirm the CANONS OF 1640, "or any of them." (13 *Car.* II. *c.* 12. *quoted* above)—(*Rubr. & Can.* p. 9, 10, 11.)

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The BISHOP OF EXETER (*Dr. Phillpott*) in reply to these remarks of Mr. Benson, states:—'Now so far is all this from 'being in accordance with our Ecclesiastical Law, that within a 'few months after the passing of the Act, *Convocation* appointed, 'more than once, a Committee of Bishops to examine the 'CANONS of 1640, and to declare which of them were in force, 'as being not contrary to the Law of the land, and which were 'void, as being contrary to the same (see CARDWELL, *Synod.* '660. 1. 5.). That the *7th Canon*, which permits these '*bowings*,' 'is one of those which are void, never before seems to have 'occurred to any man.....No CANONS of any *Synod* since the 'Reformation have any of their authority from any Act of Parlia-'ment: therefore the proviso that the 13 *Car.* II. *c.* 12, should not 'be construed to confirm the CANONS of 1640, left those Canons 'untouched.'—(quoted in STEPHENS' *Eccl. Stat.* p. 2061. *n.*)

DR. HOOK, in speaking of these CANONS, says, 'they are not 'of force'; and in referring to the Act, 13 *Car.* II. *c.* 12, he states—'in which Act there was a proviso that it should not 'confirm those CANONS made in the year 1640, which clause or 'proviso makes the King's confirmation void. And thus the Ec-'clesiastical Laws were left as they were before the year 1639.'—*Dict. 6th Ed.* Art. CANONS.

REV. T. LATHBURY says:—'It is thought by some that 'they still possess *Synodical* authority, and that they were *not* '*repealed* by 13 *Car.* II. That they may be regarded as the 'declared sense of the Anglican Church, is clear, since they have 'not been repealed by any subsequent *Convocation.* At the same 'time, I cannot but consider that they were repealed by the Act, '13 *Car.* II.'—*Hist of Convoc.* 233. 394. (CARDWELL'S *Synod.* i. 380—6.).

REV. W. GOODE, alluding to the custom of '*bowing*' on entering the Church, remarks—'The CANONS of 1640, into which Laud 'introduced it, are of no authority.'—*Cerem.* p. 25.

MR. STEPHENS, (*Barrister-at-Law*), in his notes upon this enactment, considers that in consequence of many of these Canons interfering with the temporal government, the Parliament, 'in 'framing the present clause, guarded so diligently against the 'suspicion of giving credit or authority to the CANONS of 1640.'—*Eccl. Stat.* p. 566. *n.*

These opinions, it is trusted, will decide respecting the legal value of the *Canons of* 1640. We may now proceed with

THE LAST REVIEW OF THE LITURGY.

(1662).

The Present Book of Common Prayer.

60.—Passing over the disturbed periods of the Civil Wars, the Commonwealth, and the Protectorate,

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during which *Episcopacy* was abolished to make way for an 'Assembly of Divines,' and the '*Book of Common Prayer*' set aside for a 'Directory for the Public Worship of God,'* (1645), we arrive at the RESTORATION, 1660. One of the first proceedings of CHARLES II, and his Parliament was the re-establishment of the Episcopal Clergy (by 12 *Car.* II. *c.* 17; 1661), which was immediately followed by a Royal Commission, composed of Episcopal and Presbyterian divines, (*March* 25th, 1661) for considering what alterations could be made in the 'BOOK OF COMMON PRAYER' to meet the objections of the Non-Conformists. A '*Conference*' was held at the SAVOY (1661), but as the Commissioners could arrive at no agreement (*July* 24*th*,), the King directed the *Convocation* to proceed at once with a *Revision* of the LITURGY, (*November* 21st,). The two Houses exercised great despatch and equal zeal, and the result of their labours, which were finished *December* 20th, having received the approval of the King, and Privy Council, (*Feb.* 24, 1661-2), they were transmitted to the House of Lords, who minutely discussed the alterations and amendments, and after giving them their sanction sent the revised Book to the House of Commons: the good opinion it met with here was such as to lead to a Bill being introduced for enforcing its use throughout the Kingdom, from St Bartholomew's Day, the 24th of *August* next coming (1662). (CARDWELL'S *Conf.* 369—392). The Bill passed both Houses (*July* 9th, 1662), and forms the ACT OF UNIFORMITY (13 & 14 *Car.* II. *c.* 4.) by which in Liturgical matters we are now directed and controlled: in short, the "BOOK OF COMMON PRAYER" thus reviewed and sanctioned by the two Houses of Convocation, confirmed by the King, and ratified by the Legislature, is at the present day the *Law of the Land;* and it is imperatively necessary that attention be paid to the several enact-

* See CLAY'S '*Book of Common Prayer Illustrated*,' Appendix. p. 205.

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meets of this Act, since it is of a more stringent character and wider range than is generally supposed. (See case of *Saunders* v. *Head* (3 Curt. 593. *et seq.*).

61.—The Statute thus declares our *Rule of Conformity* :—'Now in regard that nothing conduced more to the 'settling of the peace of this Nation, (which is desired of all good 'men), nor to the honor of our religion, and the propagation thereof, 'than an *universal agreement in the Public Worship* of Almighty 'God; and to the intent that every person within this realm may 'certainly *know the rule to which he is to conform* in Public Worship, 'and administration of the Sacraments, and other Rites and Cere-'monies of the Church of England, and the Manner how, and by 'whom, Bishops, Priests and Deacons, are and ought to be made, 'ordained, and consecrated; be it enacted.....that all and singular 'Ministers in any Cathedral, Collegiate or Parish Church or 'Chapel, or other place of Public Worship within this realm..... '*shall be bound to say and use* the Morning Prayer, Evening Prayer, 'celebration and administration of both the Sacraments, and all 'other the Public and Common Prayer *in such order and form* as is 'mentioned in the said Book annexed and joined to this present 'Act,* and entituled 'THE BOOK OF COMMON PRAYER, &c.'—13 & 14 *Car.* II. *c.* 4. *s.* 2.

62.—*Every Sunday and Holy Day*, 'MORNING and EVENING PRAYERS' are to be read :—It is enacted 'that the *Morning* and *Evening Prayers* therein contained shall, 'upon every LORD'S DAY, and *upon all other Days* and occasions, 'and at the times *therein appointed*, be openly and solemnly read 'by all and every Minister, or Curate, in every Church, Chapel, 'or other place of Public Worship, within this Realm.'—*ib.*

63.—Our *Assent* and *Consent* to all and everything contained in the LITURGY are to be publicly declared,—'Every 'person who shall hereafter be *presented*, or *collated*, or *put into* 'any Ecclesiastical *Benefice* or *promotion* within this Realm,..... 'shall, in the Church, Chapel, or place of Public Worship be-'longing to his said Benefice or promotion, *within two months*† 'next after that he shall be in actual possession.....upon some '*Lord's Day*, openly, publicly, and solemnly *read* the Morning 'and Evening Prayers appointed to be read by and according to

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* The *Original MS. Book* referred to in the Act, and deposited in the Parliament Office, has been mislaid; yet the '*Sealed Books*' which were collated and compared by authority with that original copy are accessible, and show to us that various alterations have crept into the modern Editions of the Book of Common Prayer. These, when of any moment, will be notified as we proceed. (See STEPHENS' "Book of Common Prayer."—*Ecc. Hist. Soc.*)

† *Three months* are now allowed where any lawful impediment would interfere: by 33 *Geo.* II. *c.* 28. (See *supra* Vol. A.).

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'the said Book of Common Prayer, at the times thereby ap-
'pointed; and after such reading thereof shall openly and
'publicly, *before the Congregation* there assembled, declare his
'unfeigned *assent* and *consent* to the use of all things therein con-
'tained, and prescribed, according to the form before appointed.'
(See *postea*). Neglect or refusal incurs *deprivation*.—ib. *Sect.* 6.

Declaration.

The FORM OF DECLARATION prescribed by the Act here follows:—

*I, A * * * B * * *, do hereby declare my unfeigned assent, and*
'*consent, to all and everything contained and prescribed in and by the*
'*Book intituled* THE BOOK OF COMMON PRAYER *and Administration*
'*of the Sacraments, and other Rites and Ceremonies of the Church,*
'*according to the use of the Church of England; together with the*
'*Psalter or Psalms of David, pointed as they are to be sung or said*
'*in Churches; and the Form or Manner of making, ordaining, and*
'*consecrating of Bishops, Priests, and Deacons.*'—ib. *Sect.* 4.

Subscription.

The *Declaration* of CONFORMITY to the LITURGY is to be *Subscribed* also.

'Every Dean, Canon, and Prebendary.....and all Masters,
'and other Heads, Fellows, Chaplains, and Tutors of or in any
'College, Hall, House of learning, or Hospital, and every public
'Professor and Reader in either of the Universities, and in every
'College elsewhere, and every Parson, Vicar, Curate, Lecturer,
'and every other person in Holy orders.....shall,.....at or before
'his or their respective admission to be Incumbent or have
'possession of, &c., *subscribe* the DECLARATION or acknowledgement
'following*:'—ib. *Sect.* 8.

*I, C * * * D * * *,* Clerk, *B.A.*, (or *other degree*) do declare
'that I will conform to the Liturgy of the *United* Church of
'England *and Ireland*, as it is now by Law established.'—
(ib. *Sect.* 9.)

(Signature) '*C * * * D * * *.*'

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* The *first* clause of the original Declaration, as given in the Act (13 & 14 *Car.* II.), was abolished by 1 *Will. & Ma.* Sess. I. *c.* 8. *s.* II.; and the *concluding* clause was taken away by the 12th *section* of the statute quoted in the text (13 & 14 *Car.* II.); so that the intermediate portion (as above) alone remained. A slight alteration however was made in the wording of the Declaration at the time of the Union of the two Churches (40 *Geo.* III. *c.* 38., *Article* V.) — changing, '*Liturgy of the Church of England*,' to, '*Liturgy of the United Church of England and Ireland.*'

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Before whom this DECLARATION, and SUBSCRIPTION are to be made the Act particularly points out; and the PENALTY for refusing is *deprivation.*

Members of the Universities are to make their subscription 'before the Vice-Chancellor of the respective Universities for 'the time being, or his deputy.....and before the respective 'Archbishop, Bishop, or Ordinary of the Diocese, *by every other* '*person* hereby enjoined to subscribe the same; upon pain..... 'of being ipso facto *deprived.*'—ib. *Sect.* 10.

Certificate.

64.—A CERTIFICATE of having made such *Declaration* and *Subscription* is also required; and the Certificate and the Declaration both are to be read before the Congregation *during* Divine Service. It is usually done from the Desk between the Morning Prayers and the Communion Service.

'After such *Subscription* made, every such Parson, Vicar, Curate, 'and Lecturer, shall procure a CERTIFICATE under the hand and 'seal of the respective Archbishop, Bishop, or Ordinary of the 'Diocese, (who are hereby enjoined and required upon demand, 'to make and deliver the same), and shall publicly and openly '*read* the same, *together with the Declaration* or acknowledgement 'aforesaid, upon some Lord's day within *three months* then next 'following, in his Parish Church where he is to officiate, *in* '*the presence of the Congregation* there assembled, *in the time of* '*Divine Service*, upon pain that every person failing therein shall 'be.....utterly disabled and ipso facto *deprived.*'—ib. *Sect.* 11. These proceedings are confirmed by 23 *Geo.* II. *c.* 28. *s.* 1. (see *Vol.* A.)

The *Form* of the CERTIFICATE when made before the *Bishop* is:—

'This Declaration was made, and subscribed, before Us, A * * * 'by Divine Permission Bishop of ——, by the said *C* * * 'D * * * previous to his being *licensed to* —— in the County 'of —— within our Diocese and Jurisdiction, this —— day 'of —— in the year of our Lord, one thousand, eight hundred, 'and ——, and of our *Consecration* the ——.'

(Episcopal Seal.)

If before the COMMISSARY, it is

'To all Christian People to whom these presents shall come, 'The Reverend *A* * * *B* * *, *Rector of* ——, greeting.'

'Know ye that the above said *C* * * *D* * *, previous 'to his being Licensed to the ——, in the County of ——,

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'and Diocese of ——, did, on the Day of the Date hereof, 'personally appear before me (Commissary for this purpose 'specially appointed by the Right Reverend Father in God '*A* * *, by Divine permission, Lord Bishop of ——), and 'before he was Licensed thereto, did make and subscribe the 'Declaration above written.

'In Testimony whereof the Seal of the said Lord Bishop is 'hereunto affixed, and I have subscribed the same this —— 'day of ——, in the year of our Lord, one thousand, eight 'hundred, and *fifty*——.'

(Episcopal Seal.)

'*A* * *, *B* * *.'

(*Commissary.*)

65.—INCUMBENTS having *Curates* must themselves read the 'Common Prayers' *once every month* under penalty of £5. for default:—'In all places where the 'proper *Incumbent* of any Parsonage or Vicarage, or Benefice 'with cure, doth *reside on his Living* and *keep a Curate*, the 'Incumbent himself in person (not having some lawful 'impediment to be allowed by the Ordinary of the place) shall '*once* (at the least) *in every month* openly and publicly *read* 'the Common Prayers and Service in and by the said Book 'prescribed, and (if there be occasion) administer each of the 'Sacraments and other Rites of the Church, in the Parish 'Church or Chapel of or belonging to the same Parsonage, 'Vicarage, or Benefice, in such *order*, *manner*, and *form*, as in 'and by the said Book is appointed; upon pain to *forfeit* £5. 'to the use of the Poor of the Parish for every offence, upon 'conviction by *confession*, or *proof of two credible witnesses*, 'upon oath, before two Justices of the Peace.....and in *default* 'of payment within *ten days*, to be levied by distress.....by 'the warrant of the said Justices, by the Churchwardens, or 'Overseers of the Poor of the said Parish.....rendering the '*surplusage* to the party.'*—ib. *Sect.* 7.

66.—LECTURERS are also required to make a DECLARATION of *Conformity to the Liturgy*, and SUBSCRIBE the same.

[The whole *Law* respecting LECTURERS having been so fully treated of in the preceding Volume (**A.**), it will not be necessary to repeat the matter here; the Reader is therefore referred to *pages* 193—210 *supra*, where he will find every information on this head.].

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* See BURN's *Eccl. Law*, Phil. iii. 429. and the cases reported in 1 *Leon.* 295; 3 *Mod.* 79; 2 *Roll. Abr.* 222; 5 *Rep.* 1.

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67.—HEADS *of Colleges* and *Halls* must conform, and *no other Form* of COMMON PRAYER is to be used in the *Universities*, and *Colleges*:—'*No Form* or *Order* 'of Common Prayers, Administration of Sacraments, *Rites*, or '*Ceremonies*, shall be openly used in any Church, Chapel, or other 'place of or in any College or Hall in either of the *Universities*, 'the Colleges of *Westminster*, *Winchester*, or *Eton*, or any of 'them, other than what is prescribed and appointed to be used in 'and by the said Book:.....and every Governor or Head of any of 'the said Colleges or Halls hereafter to be elected or appointed, '*within one month* next after his election, or collation, and 'admission into the same Government or Headship, shall openly 'and publicly in the Church, Chapel, or other public place of the 'same College or Hall, and in the presence of the Fellows, and 'Scholars of the same, or the greater part of them then resident, '*subscribe*.....unto the said Book, and *declare* his unfeigned 'assent and consent unto, and approbation of.....the same Book, 'and to the use of all the *Prayers*, *Rites*, and *Ceremonies*, *Forms*, 'and *Orders*, in the said Book prescribed and contained, according 'to the Form aforesaid: and that all such Governors or Heads 'of the said Colleges, and Halls, or any of them, as are or shall 'be in Holy Orders, shall *once* (at least) in *every quarter of* '*the year*, (not having a lawful impediment) openly and publicly '*read* the Morning Prayer and Service in and by the said Book 'appointed to be read in the Church, Chapel, or other public 'place of the same College or Hall; upon pain of (*Suspension for* '*six months*.....and if he) shall not at, or before the end of *six* '*months* next after such Suspension *subscribe* unto the said..... 'Book, and *delare* his assent thereunto as aforesaid, or *read* the 'Morning Prayer and Service as aforesaid, then such Government 'or Headship shall be (ipso facto) *void*.'—ib. *Sect.* 17.

68.—A *Copy of* the 'BOOK OF COMMON PRAYER' is to be provided by the *Parish*.—'A *true printed* '*Copy* of the BOOK OF COMMON PRAYER, &c.....shall at the 'costs and charges of the *Parishioners* of every Parish Church, 'and Chapelry, Cathedral Church, College, and Hall, be attained 'and gotten upon pain of forfeiture of £3. *by the month*, for so 'long a time as they shall be unprovided thereof.'—ib. *Sect.* 26.

69.—*Previous* ACTS OF UNIFORMITY are confirmed,—'The several good *Laws* and *Statutes* of this Realm, which have 'been formerly made, and are now in force, for the UNIFORMITY 'of Prayer and Administration of the Sacraments, within this 'Realm.....*shall stand in full force and strength*, to all intents 'and purposes whatsoever for the establishing and confirming 'of the said Book, intituled 'The Book of Common Prayer, &c.' 'hereinbefore mentioned to be joined and annexed to this Act; 'and shall be applied, practised, and put in use *for the punishing* 'of all offences contrary to the said Laws, with relation to the 'Book aforesaid, and no other.'—ib. *Sect.* 24. (See BURN'S *Eccl. Law*, Ph. iii. 411.)

*** The clauses of this Act, requiring TUTORS, and SCHOOLMASTERS before exercising their profession to obtain a *Licence*

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from the Bishop, and *Subscribe* the 'Declaration' therein enjoined, have been repealed by 9 & 10 *Vict. c.* 59. DISSENTERS also are exempted from the operation of this Statute by the '*Toleration Act*' (1 *Will. & Ma.* c. 18; 1688.), and other subsequent enactments, which will be detailed hereafter.

70.—This 'Act of Uniformity' is the last authoritative proceeding connected with the LITURGY, and the *Rites* and *Ceremonies* of our Church affecting the Clergy of the present time. Attempts were made at a further *revision* of the "Book of Common Prayer" in the Reign of WILLIAM and MARY in 1689, (See CARDWELL'S *Conf.* 393.) with a view of comprehending the Non-conformists. Also certain questions of discipline, and 'Forms of Service' for occasions not provided for in the Liturgy, were brought before the *Convocation* in ANNE'S reign (in 1710); and again in the reign of GEORGE I. (in 1715); all which will be noticed under their respective heads. But the continued disputes between the Upper and Lower Houses of Convocation on mere points of privilege; and the attempts of the latter to establish their independence of the Upper House, suffered nothing to be concluded: 'they laboured,' says KENNET, 'to find out some other business to 'divert them from that for which they were called 'together.' Ultimately the *Bangorian Controversy* engendered so much bitterness that the Crown determined to suspend completely the powers of CONVOCATION (1717); and no Royal Licence has since been granted for the transaction of Synodal business. (See CARDWELL'S *Synodalia;* LATHBURY'S *Hist. of Convocation.*). The *revival* of its active powers, however, is a subject of much discussion at the present day.

71.—Thus have we given a succinct account of the progressive growth of our present LITURGY, and the successive *Convocational* proceedings, and *Legislative* enactments, put forth since the Reformation for securing soundness of doctrine, and uniformity of practice in the Public Services of the Church. And

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it is to be hoped that, brief as this summary is, it may prove sufficient to satisfy the Reader that the BOOK OF COMMON PRAYER, the XXXIX ARTICLES OF RELIGION, the CONSTITUTIONS and CANONS (of 1603—4), and the several ACTS OF UNIFORMITY referred to (and the *two Books* of HOMILIES), are the Rule, and the *only Rule* now binding upon the Clergy with respect to the Doctrine and Ritual of the Church of England; and that their obligation to observe this Rule has been shown to be absolutely imperative.

72.—We may here remark, that the testimony of *Ecclesiastical History*, and its *Documentary* evidences clearly establish the fact that no Legislative Enactments from the dawn of the Reformation down to the present time have been able to effect a complete and perfect *Uniformity* in the celebration of Public Worship. Royal Proclamations, and Injunctions—Episcopal Articles, Letters, and Visitations—Acts of Uniformity, and Statutes against Private Meetings, and Conventicles,—have all been essayed in vain. A few years only after the passing of the last Act of Uniformity we find *Abp.* SHELDON writing to his Officials (*May* 7th, 1670) to see the new Conventicle Act (22 *Car.* II. *c.* 1. 1670) strictly carried out through his province: and among other points he says—'Next, that you require of them (Parsons, 'Vicars, and Curates), as they will answer the 'contrary, that in their own persons in their Churches 'they do decently and solemnly perform the Divine 'Service by reading the Prayers of the Church, '*as they are appointed and ordered* in and by the 'BOOK OF COMMON PRAYER, *without addition to or* '*diminishing from* the same, *or varying*, either in 'substance or *ceremony* from the order and method, 'which by the said Book is set down, wherein I hear 'and am afraid, too many do offend; and that in the 'time of such their officiating, they *ever make use* '*of, and wear* their priestly habit, the *Surplice* and '*Hood;* &c.'—(CARDWELL'S *Doc. Ann.* ii. 277.). It is deemed by some almost Utopian to expect that

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strict and rigid Uniformity in these modern days, which has been wanting not only from the time of Henry VIII; but which has never existed since the days of the Apostles. Yet surely we may reasonably desire, and aim at an approximation to one general practice in matters of Ritual and Ceremony. Nay, is it not a duty? *Bp.* JEWELL, when refusing to institute his friend *Humphrey* to a Living on account of his nonconformity said "God is not the Author of "confusion: diversity in Worship is deformity, and "a sufficient cause of deprivation." (BROOKE'S *Lives of the Puritans.* i. 369.) Still we have scarcely just grounds for complaint and reprobation, if that exact uniformity be wanting to our day, which at no period of the Church has ever been attained.

Uniformity is one of the leading and distinguishing principles of the Church of England, and is among the benefits derived from the Reformation, when the various '*Uses*' of Sarum, Bangor, Hereford, York, &c., were amalgamated into one general "*Book of Common Prayer;*" and conformity to that Book is enforced by the several '*Acts of Uniformity*' cited in the preceding pages; besides which the Prayer Book has likewise been incorporated into, and made a part of the Statute law of the land.

[*Legal Proceedings regarding* CONFORMITY, &c.]

73.—The law is clear and explicit that no Clergyman is at liberty *to diminish* in any respect, or *to add to*, the prescribed Form of Worship; and proceedings against Clerks in Holy Orders of the United Church of England and Ireland, charged with any offence against *the Laws Ecclesiastical* in this respect, or concerning whom there may exist any *scandal* or *evil report* are now regulated by the '*Church Discipline Act.*' (3 & 4 *Vict. c.* 86.)

Any person is empowered by this Statute to lay a complaint before the Bishop of the Diocese in which the offending party resides, or the Bishop of his own

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mere motion may enquire into the reports affecting the character of his Clergy: thus

'In every case of any Clerk in Holy Orders of the *United Church* '*of England* and *Ireland* who may be charged with any offence 'against the Laws Ecclesiastical, or concerning whom there may 'exist *scandal* or *evil report*, as having offended against the said 'Laws, it shall be lawful for the *Bishop* of the Diocese within 'which the offence is alleged or reported to have been committed '*on the application of any party* complaining thereof, or if he shall 'think fit *of his own mere motion*, to issue a *Commission* under 'his hand and seal to *five persons*, of whom one shall be his 'Vicar-General, or an Archdeacon, or Rural-Dean, within the 'Diocese, for the purpose of making inquiry as to the grounds of 'such Charge or Report.—3 & 4 *Vict. c.* 86. *s.* 3. (A. D. 1840.)

Previous Notice, however, of the offence, and the *name*, &c., likewise of the person making the Charge must be forwarded by the Bishop 14 days at least beforehand to the individual accused. (*s.* 3.)

Notice of the *time* and *place* of Meeting must also be given 7 *days* previously, and Witnesses may be examined on Oath, in order to ascertain whether there be sufficient *primâ facie* ground for proceeding further. (*s.* 4.)

This preliminary inquiry is to be *public*, unless the accused shall make especial application that it may be *private*. (*s.* 4.) The *Commissioners*, or any *three of them*, must transmit Copies of the Depositions of the witnesses, and a report of the opinions on the case the majority of them have arrived at to the Bishop, which Report is to be filed in the Registry of the Diocese. The accused may also demand similar copies on payment of not more than *two-pence* for each folio of 90 words. (*s.* 5.)

The Bishop with the consent of the Complainant and Defendant both, is empowered to adjudicate on the case, and pass such legal sentence as he may think fit. (*s.* 6.)

The Bishop may require the accused party to appear before him personally, or by Agent, after the expiration of the 14 *days notice* to answer the charges made against him: and if the said party *admit the truth* of the Charges, the Bishop may in person, or by his Commissary, pronounce sentence according to the Ecclesiastical Law. (*s.* 9.)

But if the accused party *refuse to appear*, or *deny the truth* of the Articles brought against him, the Bishop is then, with the aid of three Assessors, to proceed to hear the cause (*s.* 11.); or may send the case by *Letters of* Request, to the *Court of Appeal* of the Province. (*s.* 13.)

The Bishop may *inhibit* the accused party, *pendente lite*, from performing any of the Services of the Church, who shall therefore *nominate a* '*deputy*' to officiate the while in his place; but such '*deputy*' must be approved by the Bishop. (*s.* 14.)

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Appeal will be first to the Archbishop, and then to the Judicial Committee of the Privy Council. (*s.* 15.)

Every *suit* or *proceeding* must be commenced *within two years* after the commission of the offence: i.e. within two years after the *notice to appear* is served (*s.* 20.): the time is not to be calculated from the commission, the report, or the Service of the Articles, as was decided in the recent case of *Ditcher* v. *Denison.*

74.—All cases affecting the *depraving* of the Book of Common Prayer, *impugning* the Thirty-nine Articles, or the Rites and Ceremonies of the Church, and charges of *heretical teaching*, by Clerks in Holy Orders come under this Statute. 3 & 4 *Vict. c.* 86. In *Sanders* v. *Head* proceedings were taken under this Act for publishing in a Newspaper '*The Western Times*,' a Letter entitled—"A view of the Duplicity "of the present system of Episcopal ministration, in "a Letter addressed to the Parishioners of Feniton, "Devon, occasioned by the Bp. of Exeter's Circular on "Confirmation:" wherein the Defendant maintained that the *Catechism*, and the *Order of Confirmation*, in the Book of Common Prayer, contain erroneous and strange doctrine; wherein also were openly affirmed other positions in *derogation* and *depraving* of the said Book of Common Prayer. The offence being proved, MR. HEAD was *suspended* from his office and ministration for three years, and condemned in the costs of the suit, and monished to abstain from such conduct in future. (3 Curt. 527).—STEPHEN'S *Laws of the Church*, p. 229.

75.—Furthermore, the *Punishment* by the Statutes of Uniformity for refusing to read the Common Prayer, and to administer the Rites and Ceremonies of the Church according to the prescript form may be thus gathered.—A Clerk in Holy Orders *upon conviction* thereof, either by verdict of twelve men, or by his own confession, or by notorious evidence of the fact, shall, (if the prosecution be under 2 & 3 Edw. VI.) *forfeit* for the 1st offence, the profit of such one of his spiritual benefices, as it shall please the King to appoint, and also be *imprisoned six months;* and for

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the 2nd offence, be *imprisoned for a year* and *be deprived* of all his spiritual promotions: and for the 3rd offence, be *imprisoned for life*. If the prosecution be under 1 *Eliz. c.* 2., then, for the 1st offence, he shall *forfeit* to the King the profit of all his spiritual promotions for one year; for the 2nd offence, be *imprisoned six months*, as by 2 & 3 Edw. VI.; and for the 3rd offence, *be deprived* of all his spiritual promotions and be *imprisoned for life;* and if he have no spiritual promotions; then, for the 1st offence, *imprisonment for a year*, for the 2nd offence, *imprisonment for life*. (See 2 & 3 Edw. VI. c.; 5 & 6 Edw. VI. c. 1.; and 1 *Eliz. c.* 2.) But Prosecutions are now usually under 3 & 4 *Vict. c.* 86.

76.—Our business in these pages not being with matters of *Doctrine*, we may now pass to the consideration in detail of the *Ritual* alone. This will embrace the practical duties of the OFFICIATING MINISTER connected with the performance of the several Services of the LITURGY, involving the directions of the *Rubrics*, the requirements of the *Canons*, the enactments of the *Statute Law*, and the changes and discrepancies introduced by *Custom*.

THE BOOK OF COMMON PRAYER.

¶. '*The Preface.*' (1662.)

77.—HAVING seen that the BOOK OF COMMON PRAYER was established by the combined authority of the *Ecclesiastical* and *Civil* power, and that every Clergyman of the Church of England makes solemn and repeated '*Declarations*' of conformity 'to all 'and every thing therein prescribed,' 'it is certain,' (as says the late Bp. of Lincoln (*Dr. Kaye*), in his Charge of 1846), 'that the Clergy, when they promise 'to conform to the Liturgy, bind themselves to 'conform to it in both its parts, not only to use 'the Form of words, but to use it in the manner

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'prescribed in the Rubric.' The OFFICIATING MINISTER, therefore, is under the obligation to take the directions contained in the Book of Common Prayer as his sole guide in the performance of the Church Services with respect to the *Manner*, the *Order*, the *Posture*, and the specific *Place* in which he is to proceed: and these directions are laid down in what are called the RUBRICS, a name applied to them from their having been originally printed in *red* letters. The '*Preface*' to the Liturgy, however, written by *Bishop* SANDERSON to meet the objections of the Puritans, and introduced at the *last Review* (in 1662), contains nothing of a directory character, so that, after premising that the OFFICIATING MINISTER is properly ordained, and authorized,* we will at once proceed to speak of the *Authority of the Rubrics*.

THE AUTHORITY OF THE RUBRICS.

78.—By the CANONS.—The CANONS (of 1603-4), which enforce *conformity to the* LITURGY, necessarily demand an adherence to the RUBRICS as parts of the LITURGY: thus—

'.....All Ministers shall observe the Orders, Rites, and Cere-'monies prescribed in the Book of Common Prayer, as well in 'reading the holy Scriptures, and saying of Prayers, as in 'Administration of the Sacraments, without either diminishing 'in regard of Preaching or in any other respect, or adding 'anything in the matter or form thereof.'—CANON 14.

A question has been raised whether these *Canons* of 1603 can bear upon the Liturgy of 1662, the present Book of Common Prayer, revised so many years after the promulgation of those *Canons*; it has been decided, however, in the Law Courts that the CANONS of 1603 are binding upon the Clergy of the

* See the CANONS, 36, 37, 38, 48, 49, and the Enactments respecting *Scotch*, *American*, and *Foreign*, Clergy Officiating; *Vol.* A.

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present day, as we have already shewn. We may also refer to the opinion of ARCHDEACON SHARP as follows:—

'The Service Book, or 'prescript form,' to which they (the '*Canons*) referred, was that which was published with Amendments 'by King James I., immediately after the Hampton-Court Con-'ference, and immediately before the publication of these Canons: 'and which continued in use till it was quite put down in the 'great Rebellion. And it was a question even then when these 'Canons were made, whether that form of Common Prayer to 'which they referred, as it was only authorized by the King's 'mandate, was of competent and sufficient authority, to supersede 'and exclude the "prescript form" established by Act of Parliament 'in Queen Elizabeth's reign. For this was disputed not only by 'the Puritans of those days, but afterwards by some of the greatest 'Ritualists. But now this doubt and question, as well as the 'Service-Books which were the subject of it, being at an end, 'by the *revisal* of the Liturgy at the Restoration, and the 'parliamentary establishment of "that revised form" for divine 'Service for the future, our obedience *to this Canon* can stand 'upon no other bottom, and is capable of no other interpretation, 'than this; that we do answer the general design and intention 'of it by conforming ourselves to the "*prescript form*" now in 'use.' (*p.* 99).—*On Rubric and Canons*, Charge. A. D. 1739.

In addition to *Canon* 14, there are *Canons* 4, 6, 16, 36, 37, 38, 54, 56. (see *supra*); with some others on especial portions of the Services, which will be mentioned in their proper place.

79.—By STATUTE LAW.—THE ACTS OF UNIFORMITY, which enjoin the use of the LITURGY, require also strict obedience to the RUBRICS as parts of the LITURGY. The statutes are—2 & 3 *Edw.* VI. *c.* 1. *s.* 1; 5 & 6 *Edw.* VI. *c.* 1. *s.* 5; 1 *Eliz. c.* 2. *ss.* 4-6; 13 & 14 *Car.* II. *c.* 4, (see *supra*).

SIR JOHN NICHOLL, in the case of *Kemp* v. *Wickes*, observed:—'The BOOK OF COMMON PRAYER, and therefore the RUBRIC 'contained in the Book of COMMON PRAYER, has been confirmed 'by Parliament.....The RUBRIC, then, or the *directions* of the 'Book of COMMON PRAYER, *form a part of the Statute Law of* '*the land*.'—(3 *Phil.* 266-8).

So in 33rd of *Elis.* one *Robert Caudrey* (Clerk) was deprived, 'for that he had preached against the Book of COMMON PRAYER, 'as also for that he refused to celebrate Divine Service *according* '*to the said Book*.' (*Gibs.* 268; 5 *Co. Rep.* 1.—BURN'S *Ecc. L.* Phill. iii. 430; STEPHENS' *L. Rel. to Cl.* 1081).

DR. PHILLIMORE, *Chancellor of Worcester*, in his 'Opinion' respecting the "Offertory," remarks,—'As the Book of Common

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'Prayer was appended to the Act of Uniformity, it follows that 'the provisions contained in the RUBRICS, which form a com-'ponent part of the Book of Common Prayer, have the force 'and validity of *Statute Law*. I am therefore of opinion that 'the solution of the question propounded is to be sought for 'in the RUBRICS alone.'—(quoted in SANDFORD's *Parochialia*, p. 429.)

Laity are bound by the RUBRICS.—LORD HARDWICKE, in his judgment in the marriage case of *Middleton* v. *Croft*, says:—'The RUBRIC ordains the publication of BANNS, and 'that is confirmed by 1 *Eliz. c.* 2. *s.* 16; and the Act of Unifor-'mity, 13 & 14 *Car.* II. *c.* 4: the consequence of which is, that 'the RUBRIC *binds the Laity*.'—(Str. 1056.).

80.—By CUSTOM.—The discrepancies between the various interpretations given to several of the *Rubrics*, as well as the long continued neglect of some, and the impracticability of others, have occasioned much diversity of practice in the mode of performing the Divine Services of the Church. It has been *usual* for Clergymen to continue the customs they found in use at the time they first entered upon their Parochial charge; and if induced to make any alterations, the *majority* have ordinarily confined themselves to such as could be almost imperceptibly effected, or would meet with general concurrence. If any thing further has been attempted with the view of assisting to accomplish so desirable an end as general uniformity, the advances in most cases have been made so cautiously, gradually, and progressively, as neither to offend the Congregations by their novelty, nor startle them by their precipitancy.

The REV. C. BENSON (late '*Master of the Temple*') remarks:—'The necessity of an *immediate* conformity has been doubted by 'many, and dispensed with by some. *Changes*, which time 'so generally introduces in all human affairs, have operated to 'no inconsiderable degree upon our conduct with regard to '*Rubrical* regulations. The consequent difficulty and incon-'venience of bringing back abruptly a variety of observances which, 'having been gradually and long laid aside, must, of course, when 'revived, assume the character of novelties, and be liable to the 'accusation of censures upon the practice of times past, has been 'strongly felt. There are several directions also which, if carried 'into effect after so general a disuse, would be regarded as unwisely 'interrupting or needlessly lengthening the ordinary course of 'congregational Worship; others which, in these days of concession 'and approximation to Popish customs and opinions, might be 'thought calculated to lessen still further the distinguishing badges

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'of the Protestant Reformation. Therefore, to avoid the *offence* 'which, as we now learn by experience, both clerical and laical zeal 'will be almost sure to take at any sudden return to a perfect 'compliance with the Rubric, it has been intimated that a 'discretionary power must be left with the Clergy to fix both the 'time and mode of re-establishing an *entire conformity* between 'Ecclesiastical practice and the strict letter of the Liturgical 'requirements. It is not pretended to deny that this *conformity* '*is legally and really indispensable.* It is only maintained that 'each Minister must be influenced by circumstances, and by 'considerations of expediency and utility, in determining his own 'return to the regularly ordained manner of performing the various 'Services of Public worship.' (*p.* 7).—*The Rubrics and Canons Considered.*

Still, instances of the opposite course are too well known to require especial mention. Strict uniformity, however, cannot be expected so long as the RUBRICS themselves allow, as may be observed in many cases, a *discretionary power* in the OFFICIATING MINISTER, as well as admit of various interpretations.

81.—*Custom*, it must be remembered, is, under certain conditions, as good as Law. The *Common Law* is, indeed, nothing more than the common custom of the country. According to Lord Coke, "Of every "custom there be two essential parts, *time* and *usage;* "time out of mind, and continued and peaceable usage "without interruption." It is commonly said that a *custom* to be valid in law must have been used "from "time whereof the memory of man runneth not to the "contrary;" i. e. no living witness hath heard any proof or had any knowledge to the contrary. The memory of man is taken *legally* to run to the beginning of the reign of Richard I. But a regular usage for 20 years *unexplained and uncontradicted* is sufficient to warrant a jury in finding an immemorial custom. (*Rex* v. *Joliffe* 2 B & C. 54: 3 D & Ryle. 240: 2 Saund. 175 a. d.). A distinction is often made between the words *custom*, and *prescription*. Custom is more a *local* right or usage, and prescription a *personal* right or usage.

82.—ARCHDEACON SHARP in his work 'On the Rubric and Canons' exhibits this diversity by arranging the RUBRICS under *five* general heads:—

I. 'Such as are *defective*, or not sufficiently clear and express.

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II. 'Such as are to be understood *with limitations.*

III. 'Such as leave a *discretionary power* with the OFFICIATING 'MINISTER.

IV. 'Such as leave a *discretionary power* with the ORDINARY.

V. 'Such as are *plain* and *positive.*' (*p.* 60.)

So that, this being the case, to attempt to enforce immediately, abruptly, and rigidly, every RUBRIC *to the very letter*, whether opposed to long accustomed *usage*, or not, would be at once mischievous and impracticable:—for, in the words of SHARP:—

'Where the RUBRICS are defective, or capable of two senses, 'or of doubtful interpretation, there is no stating a Minister's 'obligation to observe them: nor is *uniformity in practice to be* '*expected;* because every Minister must be allowed a liberty of 'judgment, and consequently of practice, in cases not sufficiently 'clear, or capable of various constructions, so as he make no 'breach upon those RUBRICS that are plain and express. In 'several of those points that I have mentioned above, the Clergy 'take *different ways; and they may safely and honestly do so*, for 'there is no room to say that any of them do wrong, since there 'is not evidence enough which of those ways are right. Something 'may be perhaps pleaded for them all. But then, whatsoever is 'pleaded, as it is only upon the foot of private sentiments, we 'remain still at liberty to *follow our own judgment and discretion* 'in those points, till they who have authority do settle a rule 'for us concerning them. And if, in the mean time, any of us 'have real scruples upon these points, our proper recourse is 'to the *Ordinary* of the Diocese for satisfaction; because his 'determination in all doubtful cases is authoritative, safe, and 'legal; and is granted us as a supply for *all the deficiences* we 'meet with in the *letter of the* RUBRIC.'—*On Rubric and Canons.* (p. 64.) *Charge*, A. D. 1734.

83.—We shall have again to refer to this learned Ritualist, in the mean time it would be as well to direct attention to a few of the best authorities, who have treated on Rubrical conformity; whereby we shall perceive that modern opinions are more 'diverse' than the *Rubrics* themselves. Foremost of all, and most important, as being an exponent of the opinion of the present Bishops on this matter, must be quoted the *Official Circular* dated *March* 29th, 1851; which bears the signatures of the two *Archbishops*, and of the whole *Episcopal Bench*, with the exception of the Bishops of Bath and Wells, Exeter, Manchester, and Hereford. After a few introductory remarks this document thus proceeds:—

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'.....The principal point in dispute is this:—Whether, where 'the *letter of the Rubric* seems to warrant a measure of Ritual 'observance, which yet by long, and possibly by unbroken practice, 'has not been carried out, the Clergy are either in conscience 'required, or absolutely at liberty, to act each upon his own view 'of the letter of the precept, rather than by the rule of common 'practice? Now as to this question we would urge upon you the 'following considerations:—*First*, that *any* change of usages, with 'which the religious feelings of a Congregation have become 'associated, is in itself so likely to do harm, that it is not to be 'introduced without the greatest caution.—*Secondly*, that, beyond 'this, any change which makes it difficult for the Congregation at 'large to join in the Service, is still more to be avoided.—*Thirdly*, 'that any change which suggests the fear of still further alterations, 'is most injurious:—and *Fourthly*, that, according to the rule laid 'down in the Book of Common Prayer, where anything is doubted, 'or diversely taken, "concerning the manner how to understand, 'do, and execute, the things contained in that Book, the parties 'that so doubt, or diversely take anything, shall always resort to 'the Bishop of the Diocese, who by his discretion shall take order 'for the quieting and appeasing of the same, so that the same order 'be not contrary to anything contained in that Book." The fair 'application of these principles, would, we believe, solve most of 'the difficulties which have arisen. It would prevent all sudden 'and startling alterations; and it would facilitate the reception of 'any change which was really lawful and desirable. We would 'therefore, first, urge upon our Reverend Brethren with affectionate 'earnestness the adoption of such a rule of conduct. We would 'beseech all who, whether by excess or defect, have broken in 'upon the Uniformity, and contributed to relax the authority of 'our Ritual observances, to consider the importance of unity and 'order, and by common consent to avoid whatever might tend to 'violate them.....'

It then animadverts upon the newly-asserted principle that—'Whatever form, or usage, existed in the Church before its 'Reformation, may now be freely introduced and observed, unless 'there can be alleged against it the distinct letter of some formal 'prohibition.—Now, against any such inference from the undoubted 'identity of the Church before and after the Reformation, we 'feel bound to enter our clear and unhesitating protest.....it 'is manifest that a licence, such as is contended for, is wholly 'incompatible with any uniformity of worship whatsoever, and at 'variance with the universal practice of the Catholic Church, 'which has never given to the Officiating Ministers of separate 'congregations any such large discretion in the selection of Ritual 'observances.....we beseech others who, either by intentional 'omission, or by neglect and laxity, may have disturbed the 'uniformity, and weakened the authority of our prescribed Ritual, 'to strengthen the side of order by avoiding all unnecessary 'deviations from the Church's rule.'—See *Eccl. Gazette.* April, 1851.

We will now proceed to the more prominent individual authorities, commencing with a few of

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those of an earlier date which bear upon the point at issue*:—

DEAN COMBER (*ob.* 1699) remarks:—'We have accurately '*prescribed forms* for all our Ministrations; from which if any 'private Minister *might vary*, and *follow his own fancy*, it would 'breed infinite confusion and endless scandals.....so that for any 'Minister to *come short of*, or *go beyond*, this perfect constitution 'argues intolerable *pride* and *folly*, and discovers such a 'presumption as admits of *no excuse*; especially after he hath 'so solemnly promised before God, and many witnesses, that he 'will administer all things *according to the rules of this Church*.'—*Comp. to the Temple.* A.D. 1679.

DR. BENNET (*ob.* 1728) observes with respect to the Rubrics:—'If that *practice* which our governors do openly and constantly 'permit and approve, be not admitted for a good interpretation of 'Laws, whether Ecclesiastical or Civil; I fear, it will be impossible 'to clean our hands of many other repugnances.'—*Par. on Book of Com. Prayer.* (*p.* 7.) A.D. 1708.

ARCHDEACON SHARP (*ob.* 1792) further declares:—'The *Rubrics* 'and *Canons* are to be the rule of our ministration who are 'appointed to officiate in this Church.' (*p.* 12).—'Our obligations 'to observe *Rubric*, how indispensable soever, are subject to this 'proviso, viz. that the rule prescribed be a thing *practicable*; 'which perhaps cannot be said of all *Rubrics* in all Churches, or 'in all places of the kingdom.' (*p.* 6).—'We may affirm in general, 'that we are under higher obligations to observe *Rubric*, than any 'other Ecclesiastical Law whatsoever; that, excepting a very few 'cases, or under some necessary limitations and reservations, to be 'hereafter specified, *we are bound to adhere to it literally, punctually*,

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* The practices adopted in the period *between* the Reformation and more modern times have been so ably and lucidly exhibited in DR. CARDWELL'S '*Documentary Annals*' with respect to those prescribed by authority; and in a Volume entitled '*Hierurgia Anglicana*,' and in MR. ROBERTSON'S work, entitled, '*How shall we conform to the Liturgy*,' in regard to their adoption by individuals among the Parochial Clergy, that the Author is saved the task of traversing that extensive field, and therefore refers his Readers to those volumes for the information they may require on this subject, appertaining to that age. His own design being to illustrate merely the *existing Law and present Usage*, such only of the older writers will be adverted to as will be necessary to demonstrate the value of the general customs now prevalent, or that have lately been called in question. There are, doubtless, many other authorities among modern writers than will be found quoted in these pages, but these are the chief that have come across the Author's reading which conveyed any really practical information: and with respect to the *Episcopal Charges*, he might here add, that he has confined himself to such as have been published since A.D. 1840.

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'*and perpetually:* and that whosoever among the Clergy either 'adds to it, or diminishes from it, or useth any other rule instead 'of it, as he is in the eye of the law so far a *Non-conformist*, 'so it behoves him to consider with himself, whether in point of 'conscience he be not a *breaker of his word and trust*, and an *eluder* 'of his engagements to the Church.' (*p.* 7).—'I do not see how 'any man can with a good conscience continue acting as a Minister 'of our Church, who can allow himself.....to depart from her..... 'Rites and Ceremonies as prescribed in the Service Book.' (*p.* 13.) 'Where he (the Bishop) doth not interpose his directions, it is a 'good rule for us, to *observe the usual customs* of the Diocese we live 'in, or the particular Churches in which we serve.'* (*p.* 72).—*On the Rubric and Canons.* A.D. 1731—35.

The late ABP. of CANTERBURY (*Dr. Howley*) remarks:—'In 'the celebration of Divine Service the introduction of *novelties* 'is much to be deprecated: and even the *revival of usages*, 'which, having grown obsolete, have the *appearance of novelties* 'to the ignorant, may occasion dissatisfaction, dissension, and 'controversy.'—*Charge*, September 1840, *page* 36. (quoted by BP. OF DURHAM in his *Charge* of 1841, *page* 13.) 'All change 'in the performance of Divine Service, affecting the Doctrine of 'the Church by alteration, addition, or omission, I regard with 'unqualified disapprobation.'—(quoted by BP. OF LINCOLN in his *Charge* of 1846, *p.* 20.)

The ABP. OF YORK (*Dr. Musgrave*), when Bishop of Hereford, alluding to the recent Changes, observed:—'I would only warn 'you against introducing *novelties* in faith or practice unknown 'among us from the age of the Reformation down to these times.' (*p.* 40.)—*Charge*, 1842.

The BISHOP OF LONDON (*Dr. Blomfield*) says:—'Every 'Clergyman is *bound*, by the plainest obligations of duty, *to obey* '*the directions of the Rubric*.....We ought not to be deterred 'from a *scrupulous observance* of the Rites and Customs, prescribed 'or sanctioned by our Church, by a dread of being thought too 'careful about the externals of Religion. If we are not to go '*beyond* her Ritual, at least we ought not to *fall short* of it, nor 'to make her public Service less frequent, nor more naked and 'inexpressive, than she intends them to be.....In my CHARGE to 'the Clergy of the *Diocese of Chester* in 1825, I used these words,— '"A *strict* and *punctual* conformity with the Liturgy and Articles 'of our Church is a duty, to which we have bound ourselves by 'a solemn promise, and which while we continue in its Ministry

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* The *Archdeacon* however says elsewhere (in *page* 26 of his Work above quoted),—We are to 'take it always for granted that 'there is a reason for whatever is prescribed in *Rubric*, and such a 'one as is not to be contradicted by our *private practice*, or rejected 'for the sake of any *Modes* or *Customs* brought in we know not 'how.'

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'we must scrupulously fulfil. Conformity to the Liturgy implies, 'of course, an *exact observance of the Rubric.* We are no more 'at liberty to vary the mode of performing any part of public 'Worship, than we are, to preach doctrines at variance with 'the Articles of Religion. If there be any direction for the 'Public Service of the Church, with which a Clergyman cannot 'conscientiously comply, he is *at liberty to withdraw* from her 'Ministry; but *not to violate* the solemn compact which he has 'made with her".....Far from questioning the *right* of the Clergy 'to observe the RUBRIC *in every particular*, I know it to be their '*duty*; and the only doubt is, how far are *we* justified in not '*enforcing* such observance in every instance? It may indeed 'call for the exercise of a sound discretion, in certain cases, as 'to the time and mode of bringing about an entire conformity 'of your practice, in this respect, with the letter of the Law: 'but I cannot, as it appears to me, consistently with my duty, 'interpose any obstacles, nor offer any objection, to its being 'done.' (*pp.* 30—32.)—'In some cases, it may happen, with 'respect to both *Rubrics* and *Canons*, that a literal compliance with 'them is impracticable; and to such cases the maxim of *necessitas* '*non habet legem* obviously implies.' (*p.* 42).—*Charge* of 1842. With regard to those recent innovations which respect the '*Ornaments* of the Church and of the Minister,' which the Bishop designates as '*histrionic.*' See his Lordship's opinion cited at *page* 473 in *Volume* C. of this Work.

The BISHOP OF CHESTER (*Dr. Graham*), speaking of the Ceremonial of Divine Service, says:—'Every part of it should be 'conducted with decent order and solemnity; not with any *novel* '*exhibition* of unmeaning pageantry; not with *any ill-timed and* '*precipitate revival of obsolete practices*, indifferent in themselves; 'but with regularity and uniformity; with a simplicity becoming 'Evangelical truth, and a reverence becoming Divine Worship.' (*p.* 16).—*Charge*, 1849.

The BISHOP OF EXETER (*Dr. Phillpotts*) in his Pastoral Letter, dated *Nov.* 19, 1844, when referring to the Act of Uniformity, observes:—'I do not say that every departure from 'any minute direction in the Book of Com. Pr., enshrined as it 'is in this fundamental law, deserves to be stigmatized as a 'violation of the national compact; but I say, that the duty of '*strict obedience* to it cannot be too strongly felt by any—least 'of all, by the Clergy. To this duty we pledged ourselves in 'our Ordination vows. We renewed that pledge, as often as we 'undertook the 'Cure of Souls,' or were otherwise admitted to 'serve in any office in the House of God. To the *strict fulfilment*, 'therefore, of that duty, no faithful Minister of God's Word will 'think it a hardship that his Bishop should now recall him. He 'will rather gladly recognize the fitness of recurring to it, at a 'time of general doubt and difficulty, as the one, the only rule, 'by which our practice in Public Prayer can be honestly or safely 'regulated.....While I urge you to return to a *full observance of* '*the Rubric—falling short of your prescribed part in nothing*— '*beware of exceeding it.* The peculiar dangers of the times, as

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'well as the prevailing tone of public opinion, call upon you most 'powerfully, as you would avoid being in the number of 'them 'through whom offences come,' to *forbear all unnecessary* '*innovation, especially*, as I have recently had occasion to urge, 'that worst kind of innovation, the *revival of obsolete usages* not 'required by law, which are associated in the minds of the people 'with the superstitions and corruptions of Rome.....Should doubts 'arise, the Preface to the Book of Com. Pr., 'Concerning the 'Service of the Church,' tells you how to act.'—(quoted in STEPHEN'S *Eccl. Statutes*, p. 2063—4). Again, in the *Helston case* (*Oct.* 23, 1844.), the Bishop, in referring to his reply to a communication of Mr. Blunt's, observes:—'My direction to 'Mr. Blunt, as cited by himself on another point, was general,—"Do nothing *new*, unless required by the Church, which your "*Congregation will not willingly concur in.*"—But the Bishop expresses further on, his firm determination so to exercise his authority 'as shall on the one hand preserve the Service of the 'Church from being invaded by rash and unauthorized *innovation*, 'and on the other, *protect the conscientious Ministers* of the Church 'from being overborne in their honest and faithful endeavours '*to carry out the requirements* of the Book of Com. Pr. *in all their* '*integrity*.'—(*ib.* p. 2052. 2057—8.)

The *late* BISHOP OF LINCOLN (*Dr. Kaye*) remarks:—'It is certain 'that the Clergy, when they promise to conform to the Liturgy, 'bind themselves to conform to it in both its parts: not only to 'use the *form of words*, but to use it *in the manner prescribed* '*in the* RUBRIC.....wide deviations have taken place in practice 'from the directions of the Rubric; and those deviations have 'now continued for so long a period, and the Laity have become 'so accustomed to them, that the attempt to return to the letter 'of the Rubric is regarded and resented as an innovation. *The* '*deviation has come to be considered as the rule.* It is not my 'intention to enter into the discussion of any of the Rubrical 'questions, &c.....It must be rash, to use no stronger term, in 'any man, especially in a young man recently admitted into Holy 'Orders, *to alter on his own authority the practice*, which he may 'find existing in the Church in which he is appointed to officiate, 'by the substitution of one which he may deem in stricter 'conformity to the Rubric. It is always a matter of great delicacy 'to revive a law which has been allowed to fall into desuetude; 'nor ought the hazard to be run of unsettling the minds and 'offending the feelings, or, if you please, the prejudices, of our 'Congregations, unless some great good is to be achieved by the 'revival.' (*pp.* 18—20).—*Charge* of 1846.

The BISHOP OF RIPON (*Dr. Longley*) remarks:—'Various 'practices clearly sanctioned, and even commanded by our Church, 'some of them of a very godly and edifying character; others, 'perhaps in their nature more indifferent, have fallen into very 'general desuetude. And with regard to some of them, at any 'rate, a judicious and well-timed effort *to restore* them, would 'merit every encouragement.....we shall surely think it no light 'matter to disregard those injunctions (*Rubrics*), to curtail the 'Services which they prescribe, or to set up an order of our own

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'in any matter, in preference to that which has received so 'grave and deliberate a sanction.....In reference however to the 'general question of a *literal obedience* to the injunctions of the 'RUBRIC, it may be urged that in some instances the lapse of 'time and altered circumstances have rendered *a compliance with* '*it impossible* — in others, the practice enjoined has become so 'universally *obsolete* that the obligation to return to it may seem 'doubtful. In the former case, I need not say, that necessity 'provides a sufficient *dispensation*. In the latter, it would seem 'that where a *usage* enjoined by the RUBRIC has been in universal '*obeyance* for many generations, and that disuse has been allowed 'of the several Ordinaries, the *like dispensation* may fairly be 'claimed.....If the whole body.....have tacitly consented to 'abandon the practice, the obligation to resume it would not seem 'to be very strong.....even in cases where the order is clear and 'undisputed. But where the expressions are *ambiguous*, and the '*authority doubtful*, it can be still less binding on the Clergy to '*resume antiquated customs* without first referring the matter to 'the Ordinary.' (*p.* 14—18. *Charge*, 1841).—In a subsequent '*Charge* the BISHOP OF RIPON commended the 'wisdom of '*restoring, as soon as practicable*, those Ritual observances, which 'are clearly and unequivocally prescribed by the RUBRIC, and of '*preparing the way* for their restoration, where the state of things 'may not as yet admit of it.'—*Charge* of 1844, (quoted in the '*Times*').

The BISHOP OF WORCESTER (*Dr. Pepys*), when speaking of the variations practised by the Clergy with respect to the RUBRICS, states:—'that for such *variations* the authorities of the 'Church are alone responsible:.....And as it is impossible to 'suppose that the Bishops.....can be ignorant of such deviations 'from the *strict letter of the* RUBRIC, we must consider them as 'having given a *tacit consent* to them.' (*p.* 8.)—'I conceive that 'when you sign a declaration that you will *conform to the Book* '*of Com. Pr.* and to everything contained therein, you bind 'yourselves to use in general that form in the administration 'of the Church Services, rather than the Missal of the Roman 'Catholics on the one hand, or the Directory of the Puritans, 'on the other hand; and *not that* you will with more than '*Chinese exactness* make a point of conscience to adopt every 'expression, and *implicitly follow* every direction therein contained, 'notwithstanding any changes which altered habits of life, or 'altered modes of thinking, may have rendered expedient.' (*p.* 9.)—Again, after observing that '*no authority exists, short of* an Act of Parliament,' which can legally justify any omissions, the Bishop proceeds—'Under these circumstances it is unquestionably true 'that a sort of *general consent* has been allowed to take the place 'of such authority, and a licence assumed by the Clergy, and '*tacitly permitted* by their Diocesans, to make such slight changes 'in the *letter* of the RUBRICS as seemed to be required by the 'altered circumstances of the time; and while they strictly adhere 'to the *spirit* of them, they need not fear that in so doing they 'are violating the Declarations which they made at the time when 'they accepted their 'Cures,' that they would *conform to the* '*Liturgy* of the Church of England. What is required by such a 'Declaration is, an honest and conscientious *conformity to the*

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'*Liturgy* of our Church, in opposition to other forms of Worship: 'but to accuse the Clergy of violating their Ordination vows, 'because they have adopted such slight deviations as I have 'above noticed, in compliance with the *general consent* of their 'Congregations, and the *tacit permission* of their Diocesans, betrays 'too much that spirit of formality, which induced the Pharisees 'of old, &c.' (*p.* 13.) *Charge* of 1842.—Subsequently, in a "*Charge*" to the Candidates for Ordination, *Dec.* 22, 1844, his Lordship refers to his *Primary* "*Charge*" above quoted, and adds—'I have on 'former occasions.....deprecated that spirit of innovation, which, 'on the plea of a *more punctual observance* of the RUBRIC, and a 'respect for the practices of the primitive Church, was, I felt 'convinced, calculated to alienate the affections of the *Laity* from 'the Clergy, and thus to give a fatal blow to our beloved Church.' (quoted in STEPHENS' *Eccl. Statutes*, p. 2065.).—Again, in his Lordship's *Charge* of 1845, after referring to what he had previously 'said on this subject, he adds—'In those few places in the 'Diocese where the experiment of introducing *novelties* in the 'administration of Divine Service has been tried, it has been, in 'most cases followed by dissension and distrust, by the exhibition 'of *empty* Churches, and full *Meeting-Houses*. Fortified, therefore, 'by the experience which we have thus obtained, I venture to 'repeat the caution which I then gave you, not to persist in the 'restoration of *obsolete usages*, however correct you may yourselves 'consider them, when you find them so opposed to the feelings, 'or even the prejudices, of your people; that you thereby lose your 'influence over them, and risk the salvation of immortal souls for 'the sake of a punctilious observance of some *trifling ceremonial*, 'or the wearing of one *habit* rather than another.'—(quoted in STEPHEN'S *Laws Rel. to the Clergy*, p. 1097.).

The late BISHOP OF DOWN AND CONNOR, &c. (*Dr. Mant*) remarks:—'If between the times of our Reformers and our own, 'any intermediate generations have arisen, less vigilant in their 'adherence to our Ritual as established in the Book of Com. Pr., 'it is the part of the present generation, not to acquiesce in 'an irregular precedent, upon the fact being made clear to our 'apprehensions, but to *correct*, *amend*, and *renovate* by our future 'care what has been innovated by their oversight.'—He then proceeds to say, that so long as the Act of Uniformity exists, and the Liturgy is imposed by lawful authority; so long as the Clergy plight their faith at their Ordinations, and are repeatedly and legally required to make solemn declaration of their conformity to all and everything prescribed in the said Liturgy; 'so long,' 'he says, 'it will be preposterous to allow any part of that Book 'to be *obsolete*; so long shall we be warranted in affirming, that, 'however it may have been partially, temporarily, locally, slighted 'and out of fashion, it is in "*no part worn out of use*," it has in 'no part forfeited its original claim on the reverential and dutiful '*observance* of the Church's Ministers and children; so long should 'we be resolute and steadfast in maintaining our persuasion, that 'every portion of the Liturgy is to be rightfully regarded as a '*living*, an *integral*, a *perpetual*, and an *inalienable* member of that 'invaluable Book.' (*p.* 65, 66.).—'Of some directions of the 'Church it has been alleged that they are *impracticable*. If they 'be really so, no one can be bound to the performance of them.

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'But impracticability is very different from *disinclination*, or '*recklessness*, or *laxity*, or *inconvenience*, or *self-indulgence*.' (*p.* 72.).—*Hor. Lit.*

The BISHOP OF CALCUTTA (*Dr. Wilson*) says:—'A *strict* and '*conscientious observance* of the RUBRICS, CANONS, and *Usages* of 'our Church, should be our delight, as it is our interest and duty.' (*p.* 73).—*Charge*, May, 1845.

ARCHDEACON HARRISON considers—'*any departure* from the 'appointed order of the Prayer Book, grounded on opinions and 'feelings in the individual at variance with the principles and rules 'of the Church, would convict such an one of *unfaithfulness* in 'his Ministry, and *inconsistency* with his professions.' (*p.* 416). *Hist. Inquiry into the Rubrics.*

ARCHDEACON SHIRLEY says:—'There never was a time at 'which it was more manifestly our duty than at present to 'conform carefully to the established Ritual of our Church, as 'interpreted by the universal practice of all order among us. The 'celebrated rule of *semper, ubique, et ab omnibus*, applies strictly 'to such matters; and they who in the exercise of their private 'judgment *alter* or *abridge* the *mode* of ministration for their own 'convenience, or even for the supposed edification of their flocks, 'incur a very grave responsibility, if we may not rather say that 'they commit a very serious offence against their Ordination 'vows.'—*Charge* of 1843.

Rev. C. BENSON (late *Master of the Temple*), after discussing the duty of a strict observance of the Rubrics, and Canons, establishes these three conclusions:—'1st. The *precise* and '*punctual observance* of the RUBRICS is bound upon the entire 'body of the Clergy both by conscience and by law; whilst in 'point of law, obedience to the Canons of 1603 is equally 'required.—2ndly. The *various limitations* which have been 'brought forward, as authorizing the violation of the RUBRICS 'and CANONS to a certain extent, are *untenable*. No one can 'justly prolong the time of his beginning *universally* and *literally to* '*observe the* RUBRICS, nor except where obedience is impracticable, 'can any one be said to be really emancipated from obedience to 'the Canons.—3rdly. There are some RUBRICS, and some Canons, 'which are, and for several generations have been, *systematically* '*disregarded* by the whole body of the Clergy—Bishops, Priests, 'and Deacons.' (*p.* 21).—With respect to the last point, in a 'preceding page he observes,—'We shall also see, that the 'RUBRICS at least demand *certain things* of which no one, who 'is not strangely attached to the outward appearances of Popery, 'would wish, if it could be avoided, to have the practice *renewed*.' (*p.* 17).—And he ultimately affirms that 'it is *impossible* for the 'Clergy to go on for the future in an *open* and *conscious violation* of 'their duty in this respect' (*p.* 52).....'But for this as well as all 'other changes in the RUBRICS there must be a *revision* sanctioned 'by an Act of Parliament.....Without this, a *strict conformity to* '*the* RUBRICS, which we cannot now much longer conscientiously 'avoid, will inevitably involve us and the Church, in harassing 'contentions.' (*p.* 55.)—*On the Rubrics and Canons.*

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Rev. W. Goode, remarking upon Ceremonies, observes,—that 'the only sure guide we have as to those that are retained, consists 'of the *positive directions* to be found in the Rubrics and other 'authoritative documents of our Church, as to the Rites, and 'Ceremonies, and Gestures to be used in the public Services 'of the Church.' (*p.* 3).—'The Minister, when engaged in the 'public Services of the Church, is *prohibited from adding* any 'Ceremonial observances to those prescribed in the Book of 'Com. Pr.' (*p.* 7).—'It must be admitted, that a Rubric 'sanctioned both by Convocation and Parliament in 1662, cannot 'be invalidated by a Canon that had the sanction of Convocation 'only in 1604.' (*p.* 29).—*Cerem. of Ch. of England.*

Dr. Hook is of opinion in this matter—'that they (the Clergy) 'act in perfect consistency with their pledges, if they *take things as* '*they find them, merely guarding against further innovations;* and 'if, as occasion offers, they *return more nearly* to the practice of 'the Reformers.' (*p.* 38.)—*Call to Union.* 'All the Clergy of 'England solemnly *pledge themselves to observe* the Rubrics.'—*Ch. Dict.* art. Rubric.

Rev. J. Jebb, speaking of the Church of England, says:—'But 'as long as her Clergy consent to her Book of Com. Pr., and 'subscribe to her Canons, and thus virtually *bind themselves to a* '*compliance* with her injunctions, so long it never can be said that 'any thing contained in them has become *obsolete:* and a power 'superior to that of any individual authority, speaks to their 'consciences, reminds them of their pledge, and *commands them,* at 'whatever cost, *to obey* her.....It is the part of wisdom, therefore, 'to endeavour so to ascertain her intentions, that while the line 'defined by her may *never* in any particular *be overstepped,* the 'growing spirit of enlightened piety may *restore every prescribed* '*usage* that can add due outward honor to the public service of God.' (*p.* 8, 9. see also *p.* 400)—*Choral Service.*

Rev. J. C. Robertson thinks—that 'nothing indeed can be 'more *untenable* than the notion that the Prayer Book is a *com-* '*plete rule,* which will not admit of any variation, either by 'exceeding or by falling short of it.' (*p.* 299.).—'For us, who are 'no Bishops, the *authority of those* who hold the Apostolic office 'must be *a rule.*' (*p.* 334.).—'My object has been to show that the '*strict letter* of the Prayer Book may be *dispensed with;* but 'these are matters in which I conceive that no consideration of 'circumstances ought to prevail with us for any *deviation.*' (*p.* 335.). 'And it need hardly be said that in this age, when there is a great 'movement for the restoration of the full system of the Prayer 'Book, *that man's Churchmanship must be worse than doubtful* '*who allows to drop* any Church observance which is already 'established.' (*p.* 337.)—*How shall we Conf. to the Lit.*

Rev. J. Sandford, speaking of the Ritual, remarks—'how 'important that it should not be either *marred* or *mutilated*..... 'that there should be such uniformity amongst the Clergy, in its 'public celebration, as will secure the minds of worshippers from 'being wounded or unsettled.' (*p.* 230, 244.)—*Parochialia.*

Rev. E. Scobell, after stating that the Act of Uniformity (of 1662) '*has been mainly obeyed,*' and that although certain

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inaccuracies may have unintentionally crept in, and individual neglect and laxities may possibly have existed, adds—'but withal 'there *has prevailed* within these Realms *that common and solid* '*conformity*, which has preserved the Liturgy in all its integral 'and substantial operation, with no variation that need be much 'offensive, even in its forms.' (*p.* 2.).....'Nevertheless, RUBRIC 'is the mode which is ordered for us; and as long as it is so ordered, '*it is binding*; and what is more, *every* RUBRIC is, as far as that 'goes, and if the exact letter is to decide, *physically observable and* '*within our practice*.' (*p.* 3.).....'There may be many *differences* 'in Public Worship, and yet a real, substantial, and sufficient '*agreement*.' (*p.* 17.).....'In fact, the RUBRICS are practically, 'and as final measures, *uncompleted*.' (*p.* 18.)—*Thoughts on Ch. Subjects.*

MR. CRIPPS (*Barrister-at-Law*) says,—'that the general order of 'the Church Service according to the directions of the RUBRIC, is '*not to be departed from* by the Minister; but the manner in 'which that Church Service is to be performed is at the direction 'and discretion of the OFFICIATING MINISTER, subject of course, 'to any directions from the Ordinary; and so long as he does *not* '*depart* from the directions of the RUBRIC, the *Parishioners*, or '*Churchwardens*, or others, would have *no right to interfere*.' (*p.* 642.)—*The Laws rel. to the Ch. and the Clergy.* 3rd edit.

SIR J. NICHOLL, in his judgment in the case of *Newberry* v. *Goodwin* (1 Phill. 283.) declares:—'The Law directs that a Clergy-'man *is not to diminish in any respect, or add to*, the prescribed 'form of Worship. Uniformity in this respect is one of the leading 'and distinguishing principles of the Church of England; *nothing* '*is left to the discretion and fancy of the individual*: for if every 'Minister were to alter, omit, or add, according to his own taste, 'this Uniformity would soon be destroyed; and though the altera-'tion might begin with little things, yet it would soon extend 'itself to more important changes in the Public Worship of the 'Established Church; and even in the Scriptures themselves, the 'most important passages might be materially altered under the 'notion of giving a more correct version, or omitted altogether as 'unauthorized interpolations.'

MR. STEPHENS (*Barrister-at-Law*) affirms—that 'No *Custom* 'or *usage*—no earthly authority whatsoever, except it be the Legis-'lature, can repeal or qualify the positive enactments of the Statute 'Law.' (*p.* 308).—'In the construction of the Statutes of Uniformity, 'Judges are not to *presume* the intentions of the Legislature, but to '*collect them* from the *words* of the Statutes themselves, and they 'have nothing to do with the *policy of* the Law.' (*p.* 309)—'No '*Custom*, however confirmed, can *supersede the Statute Law*: no 'Clergyman can transfer breaches of the Statute Law into the list 'of approved practices, nor justify neglects of them by pleading 'the connivance, or the approbation of his Ecclesiastical superiors. 'It is true, the Ordinary may forbear to blame, and he may neglect 'to reform, any customary deviations from, or any open defiance 'of, express and positive RUBRICS. But as he has no power to alter 'them, or to give his sanction to alterations made in them, so he '*cannot excuse or discharge his Clergy from their obligations* to

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'conform themselves to them. Episcopal authority in the RUBRICS 'is very limited, and those rules which are clear and plain must be 'the directions of the Ordinary as well as of the subordinate 'Clergy. And therefore it can never be presumed that non-com-'pliance with plain and positive rules, however supported by 'example and custom, can receive any warrant from Episcopal 'permission or approbation. For the Clergy are antecedently '*bound* by their own solemn Declarations and Subscriptions of 'conformity to *observe the* RUBRICS; and *if they violate* any of 'them which are clear, obvious, and practicable, they are *punishable* 'in the Ecclesiastical Courts.' (*p.* 351.)—*Book of Com. Pr.* E. H. S.

LORD STOWELL, formerly Judge of the *Consistory Court* (1787), observed:—'Uniformity in Public Worship is one of the leading 'principles of the Church of England, nothing is left to the opinion 'of individuals; if every Minister were to *alter, omit*, or *add*, 'according to his own taste, he might from beginning with trifling 'changes, extend his views to alterations of even the Scriptures 'themselves, under the notion of giving a more correct version.'—(*quoted in* ROGER'S *Eccl. Law.* p. 832. *n.*).

The QUARTERLY REVIEW 'protests against the error of giving 'the Liturgy and its Rubrics an interpretation *so narrow, so punc-'tilious*, and, we must add, *so unsound*, as would in some instances 'defeat the very objects which the interpretation professes to 'promote, and would abrogate the wise and wholesome *Usages* by 'which, in the majority of our Congregations, ancient forms have 'been happily adapted to modern circumstances.' (*p.* 235.).....'We 'have attained and have hitherto enjoyed a *greater degree of Uni-'formity* than could have been preserved, if *usage* had not been 'allowed—in these, as in all other human affairs—to supply defici-'encies, and to decide doubts.' (*p.* 246).....'The safest way for the 'Clergy is *to continue to do as they have*, for the most part, *hitherto* '*done*—that is, to follow the RUBRICS, and *Canons*, where their 'meaning is clear and indisputable, and their operation practicable 'and consistent: and in all cases that admit of doubt, to govern 'themselves by what we may call the *common-law* of the Church—'that is, the *long established usages* and *customs*, which, far from 'being, as has been objected to them, a relaxation of discipline and 'a violation of authority, are in fact no other than *discipline and* '*authority, interpreted, directed*, and *enforced* by that which is 'the ultimate sanction of all human ordinances—the *experience* 'and reason of mankind.' (*p.* 290)—No. cxliii. *May*, 1843.

84.—The above opinions, selected without prejudice or partiality, it is hoped will be sufficient to convey a correct idea of the necessity of exercising much care and consideration in interpreting the Rubrics, and to urge extreme caution in questioning any prevailing Usage. For the solution of *doubts* with respect to the precise meaning of any of the RUBRICS we are referred, as we have seen in the authorities above quoted, to the directions on this head prescribed in

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the BOOK OF COMMON PRAYER, which brings us to the consideration of the '*Preface*' written by the original compilers of the Liturgy, and entitled in our present Books.

¶. '*Concerning the Service of the Church.*' (1549 *to* 1662.).*

85.—*Rubrical doubts* and *ambiguities* will occasionally be met with where the Rubric is deficient, or not sufficiently explicit, as well as in those instances where a discretionary power is lodged with the *Officiating Minister*. They *generally* arise on a change of Incumbency, or on entering a fresh 'Charge,' where usages are found prevailing not exactly in accordance with the practices which have been previously and habitually adopted by the Minister in his preceding 'Cure.' In some cases '*a doubt* or *ambiguity*' may discover itself when attention is drawn to a *Rubric* from a desire to promote general uniformity, or it may be from extreme views of Ceremonial Worship, or perhaps from the less worthy motive,—a fondness for novelty and change. From whatever cause, however, it may arise, if the customary usages of the Church, or the feelings of the Congregation do not acquiesce in the introduction of what may be considered novelties, and therefore the people be indisposed to yield to new interpretations given to the *Rubric* by the *Officiating Minister*,—and if, on the other hand, the *Minister* will not accede to continuing the ancient practices with which the Congregation have been long familiar—an event either way much to be deprecated, then, to '*appease the diversity*,' recourse must be had to the Bishop of the Diocese; if he fail to reconcile the difference, application must be made to the Archbishop; as thus directed;—

* The prefix (¶) indicates that the line or passage following is a *Rubric* of the PRAYER BOOK; and the date annexed shows in what LITURGY it has appeared.

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¶. 'And forasmuch as nothing can be so plainly set forth, but 'doubts and *ambiguities* may arise in the use and practice of 'the same; to appease all such diversity (if any arise), and for 'the resolution of all doubts concerning the manner how to 'understand, do, and execute the things contained in this Book '(*The Book of Common Prayer*); the parties that so doubt, or 'diversely take any thing, *shall* always *resort to the Bishop* '*of the Diocese*, who by his discretion shall take order for 'the quietness and appeasing of the same; *so that the same* '*order be not contrary to any thing contained in this Book.* 'And if the Bishop of the Diocese be in doubt, then he may 'send for the resolution thereof to the Archbishop.'

86.—The necessity of appealing to the Ordinary in such cases is enforced upon the Clergy by the Statutes of Uniformity, as well as by their Oath of Conformity to all and every thing contained in the Liturgy; and the duty of compliance with the decision of the Bishop is imposed upon them by their Ordination vows, and by their Oath of *Canonical obedience;* yet it must be remembered that the authority of the Ordinary being limited to points of doubt and uncertainty, no application should be made where the Rubric is decisive.

ARCHDEACON SHARP observes:—'In all points where the RU-'BRICS are *plain* and *express* the Ordinary has *no authority* to release 'us from that obedience.....though the Ordinary is allowed to inter-'pret and determine the sense of the RUBRIC for us in all *doubtful* 'cases, yet it is with this proviso, that he shall not order or 'determine any thing "that is contrary to what is contained in the 'Service Book." That is, in points that are *clearly expressed*, the 'Ordinary is as much prohibited from making innovations, as the 'meanest Parochial Minister among us.' (*p.* 55).—*Rubr. & Can.* See also MANT'S *Com. Pr.* p. xxx. GOODE'S *Cer.* p. 15.

MR. STEPHENS (*Barrister-at-Law*) expresses a similar opinion, observing:—'But the Bishop is subject to the Statute Law, and 'where the RUBRICS are *express*, he has no authority to release any 'Minister from obedience to them, or to determine any thing that 'is contrary to what is contained in the Service Book.' (*p.* 123.) —*Com. Pr.* E. H. S.

87.—Although these Episcopal decisions may often, and for a time, '*appease the diversity*,' yet by reason of the continual change of Bishops, and their circumscribed jurisdiction, such *dicta* cannot possess any permanent character, nor be effectual beyond the limits of the particular Diocese. The disputes between a Minister and his Congregation in matters of Ritual and Ceremony are not certain of being by this means set

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definitively at rest; from this fact especially, that although the present Bishop may give his decision on the one side; a possibility exists that his successor may prefer, and even recommend the adoption of the other. Consequently, in this uncertainty of law and opinion, in this mutability of authority, and variety of judgment, the hope of lasting and general uniformity in Rubrical matters cannot be entertained; nor is it probable that any remedy can be discovered until some efficient power, such as an *Act of the Imperial Legislature*, binding upon both Clergy and Laity, shall have prescribed one undeviating and absolute rule. Still, this state of things, unsatisfactory as it may be, is not without its advantages to the inferior Clergy; the power of appeal not only relieves them from much responsibility, but in those cases where the *Laity* are a party concerned, this appellant privilege is calculated to screen the Clergy from many of the painful consequences that might arise from a decision adverse to the feelings of their people. On this account merely, if from no higher motive, a reference to the Bishop in all such doubtful and intricate cases cannot but be strongly recommended. But it is time we apply ourselves to the subject in detail as presented to us in the *Liturgy*.

COMMON PRAYER TO BE IN ENGLISH.

¶ .....'*All things shall be read and sung* in the Church in 'the English Tongue.*'—(1549 to 1662).

88.—PUBLIC PRAYER by the above *Rubric* is directed to be said in the *English Tongue* in order to be understood by the people; this injunction is of course binding from being prescribed in the Liturgy enjoined by the *Acts of Uniformity;* and is not likely to be infringed upon in Parish Churches.

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* With respect to SINGING, MUSIC, &c. see *postea*.

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In the XXXIX ARTICLES it will be found similarly enforced:—'It is a thing plainly repugnant to the 'Word of God, and the custom of the Primitive Church, to have '*Public Prayer* in the Church, or to minister the Sacraments, 'in a *tongue* not understanded of the people.'—ART. XXIV.

EXCEPTIONS:—The *Universities of Oxford* and *Cambridge*, certain *Public Schools*, and the *Convocations* of the Clergy, are excepted by the Statute Law:—'It shall be lawful.....for the further encouraging 'of learning in the *Tongues* in the Universities of *Cambridge* and '*Oxford*, to use and exercise in their common and open Prayer 'in their *Chapels* (being no Parish Churches), or other places 'of Prayer, the Mattens, Evensong, Litany, and all other Prayers, '(the *Holy Communion*, commonly called the Mass, *excepted*) 'prescribed in the said Book, in *Greek*, *Latin*, or *Hebrew*.'—2 & 3 *Edw.* VI. c. 1. *s.* 6.

Again—'It shall and may be lawful to use the '*Morning* and *Evening Prayer*, and all other Prayers and 'Services prescribed in and by the said Book, in the *Chapels* or 'other public places of the respective Colleges and Halls in both 'the *Universities*, in the Colleges of *Westminster*, *Winchester*, 'and *Eton*, and in the *Convocations* of the Clergy of either 'Province, in *Latin*.'—13 & 14 *Car.* II. *c.* 4. *s.* 18.

*** In COLLEGES &c. where the *Latin Prayers* are used it is usual to have the English Service also, but at a different hour: this is the practice at Christ Church, Oxford. The custom however has established itself of *omitting*, in the performance of the Latin Service, the *Lessons*, and *Canticles*,—passing from the Psalms directly to the Creed: which is evidently contrary to CANON 16, (see *page* 287.), and the *Statutes* above quoted. On WEDNESDAYS, and FRIDAYS, and at *Convocations* of the Clergy, the *Litany* in Latin is alone read. (See JEBB's *Chor. Ser.* 416. 433.)

The COMMEMORATION SERVICE generally used in Colleges (*in Commendationibus Benefactorum*) is the one composed in the time of *Elizabeth** (1560); and is introduced into the ordinary Service. It begins with the *Lord's Prayer*; followed by *Ps.* 144, 145, 146.; and the *Lesson* from *Ecclus.* iv. Then succeed the *Sermon*, the *Benedictus* (St Luke i. 68.), certain *Versicles*, and a *Thanksgiving* (pro Fundatore.).

89.—In WALES, those Parishes in which the Welsh Language is commonly spoken, are required to have Divine Service performed in the vernacular tongue, and the Bishops of the Principality are to take care

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* It will be found under '*Celebratio Cœnæ Domini in Funebribus, &c.*' in SPARROW's *Coll.* p. 203.

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that *Welsh translations* of the BOOK OF COMMON PRAYER (by 13 & 14 *Car.* II. *c.* 4. *s.* 27.), and of the BIBLE (*ib.* and 5 *Eliz. c.* 28. *ss.* 1, 2.), in addition to an *English* copy of each, are provided by the Churchwardens, at the expence of the Parish.—5 *Eliz. c.* 28. *s.* 3. (See 1 & 2 *Vict. c.* 106. *page* 10.).

¶.....'*Privately, they may say the same in any Language.*'—(1549 to 1662).

90.—PRIVATELY.—No one is restricted from making use in *private* of the 'Book of Common Prayer' in *whatever language* he may think fit.

'It shall be lawful to any man that understandeth the *Greek*, '*Latin*, and *Hebrew* tongue, or other *strange tongue*, to say 'and have the said Prayers heretofore specified of Mattens and '*Evensong* in *Latin*, or any such *other tongue*, saying the same '*privately*, as they do understand.'—2 & 3 *Edw.* VI. *c.* 1. *s.* 5.

DAILY SERVICE.

¶. '*And all Priests and Deacons are* ('shall be bound,' '1552—9, 1604.*) *to say Daily, the Morning and Evening* '*Prayer either privately or openly, not being let by* '*sickness*, ('*by* preaching, studying of divinity,' 1552—9, 1604.) '*or some other urgent cause.*'† (1552, 1662).

¶. '*And the Curate that ministereth in every Parish-Church* '*or Chapel, being at home, and not being otherwise reasonably* '*hindered, shall say the same in the Parish-Church or* '*Chapel where he ministereth, and shall cause a Bell to be* '*tolled thereunto a convenient time before he begin, that the people* ('such as be disposed,' 1552—9,) *may come to hear God's word,* '*and to pray with him.*' (1552, 1662).

91.—The above directions imperatively require the MORNING and EVENING PRAYERS of the Liturgy to be said *Daily*, by every Clergyman of the Church

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* The parenthetical clauses point out the 'readings' of some *previous* LITURGY, indicated by the date annexed, when these 'readings' deviate from the *present* Prayer Book.

† In the *Scotch Liturgy* (1637) is added here:—'Of which *cause*, 'if it be frequently pretended, they are to make the Bishop of 'the Diocese, or the Archbishop of the Province, the Judge and 'Allower.'—KEELING, *Pref.* XVI.

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of England, *publicly* or *privately;* but by every Minister having a 'Cure of Souls' *publicly* in his Church or Chapel, unless prevented by *urgent* and *reasonable cause.* This injunction of the Liturgy is *law,* but since it does not accurately define what shall be accounted a *sufficiently* 'urgent and reasonable cause,' beyond sickness or necessary absence, to excuse the performance of *Public Daily Service,* recourse must be had to the Bishop, as in other 'doubts and ambiguities,' to determine the matter. If no adequate reason exists for refusing to read *public Daily Prayers,* any of the Parishioners being desirous of such Services can call upon the Bishop to enforce their performance. Other directions of the Liturgy lead to the inference that *Daily Services* were contemplated by the original Compilers* of the Prayer Book, as we may judge from the following :—

¶. '*The* PSALTER *shall be read through once every month* '*as it is there appointed.*'—Introd. in Book of Com. Prayer.

¶. '*To know what* LESSONS *shall be read every day, look for* '*the day of the month in the Calendar.*'—ib.

¶. '*The* COLLECT, EPISTLE, *and* GOSPEL, *appointed for the* '*Sunday shall serve all the Week after, where it is not in this* '*Book otherwise ordered.*'—ib.

And elsewhere before many of the COLLECTS, will be found '*daily to be said,*' '*every day,*' as we shall have occasion to notice. The same is implied in the *Titles* before the preliminary *Rubric,* as:—

¶. 'THE ORDER FOR MORNING AND EVENING PRAYER *Daily* TO BE SAID AND USED THROUGHOUT THE YEAR.'

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* The practice of the time of ABP. LAUD may be inferred from the *Proceedings of the Committee appointed by the House of Lords* in 1641 touching certain innovations in doctrine and discipline charged against the *Archbishop;* and where we shall find this inquiry—'Whether according to that end of the Preface before 'the Common Prayer, the Curate shall be bound to read Morning 'and Evening Prayers *every day* in the Church, if he be at home, 'and not reasonably letted: and *why not only* on Wednesday 'and Friday Morning, and in the Afternoon on *Saturday,* with 'Holy-Day *Eves?*'—CARDWELL'S *Conf.* 238. 274.

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Again, before the *First* Rubric,

¶. 'THE ORDER FOR MORNING PRAYER, DAILY THROUGHOUT THE YEAR.'

Likewise,

¶. 'THE ORDER FOR EVENING PRAYER, DAILY THROUGHOUT THE YEAR.'

Daily Prayer is also implied in several of the HOMILIES.

Still, in the *first* Liturgy of *Edw.* VI. this injunction seems only to affect those who have 'Cure of Souls;' the Rubric of that Service Book thus reads:—

'*Neither that any man shall be bound to the saying of them, but 'such as from time to time, in Cathedral and Collegiate Churches, 'Parish Churches, and Chapels to the same annexed, shall serve the 'Congregation.*' (1559).—KEELING, p. xvii.

92.—But with respect to the desirability or expediency of having *Daily Services*, that must depend on the peculiar circumstances of each case. Since the time of the Reformation the practice has never indeed been general; where however it has prevailed, and a Congregation still shows its appreciation of its importance by a general attendance, the *Daily Prayers* could not justly be suspended. But to introduce the system in Parishes that have never witnessed it before, and where no preparation has been made to ensure a Congregation; or even to continue the Service, where the assemblage has dwindled down to but one or two individuals, or, it may be, where there is none beside the OFFICIATING MINISTER,—these being matters of *opinion*, and not of *law*,—the Reader is referred to the authorities following, selected from amongst many who have expressed themselves upon the subject. Beginning with the earlier divines we may quote:—

ABP. WHITGIFT (in 1585), who issued 'Certain Orders,' the first of which ran thus:—'*Imprimis*, The Order appointed in the Preface 'of the Common Book, concerning the *Dayly* reading of Publique 'Prayer, shall be duly observed to the end they may be the better 'acquainted with the phrase and histories of the Scriptures.'—CARDWELL'S *Doc. Ann.* ii. 1.

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ABP. LEIGHTON urges 'that the *Daily Public Prayer* in 'Churches, Morning and Evening, with reading of the Scriptures, 'be used where it can be had conveniently, and the people be 'exhorted to frequent them.'—*Charge of* 1662 in Whole Works, *Vol.* ii. *p.* 552.

ABP. SANCROFT (in 1688) calls upon the Bishops to see that the Clergy 'perform the *Daily* Office *publicly* (with all decency, 'affection, and gravity) in all Market and other great Towns, 'and even in Villages and less populous places bring people to '*Public Prayers* as frequently as may be, especially on such 'days and at such times as the *Rubrics* and *Canons* appoint, on '*Holy-days* and their *Eves*, on *Ember*, and *Rogation-days*, on 'Wednesdays and Fridays in each week, especially in Advent and 'Lent.'—CARDWELL'S *Doc. Ann.* ii. 323.

BISHOP COSINS (*ob.* 1672) remarks on this direction of the Prayer Book,—that it 'requires an explanation (against them 'that account themselves *reasonably letted* by any common and 'ordinary affairs of their own), whether any thing but *sickness* or '*necessary absence abroad* shall be sufficient to excuse them from 'this duty.'—*Add. Notes in* NICHOLL'S *C. P. p.* 67.

DEAN COMBER (*ob.* 1699) says,—'As we are not excused by, so 'we ought not to be discouraged at, people's slowness in coming 'to *Daily Prayers;* for their presence is indeed a comfort to us, 'and an advantage to themselves; but their absence does not 'hinder the success, nor should it obstruct the performance of our 'Prayers.'—'Let our Congregation be great or small, *it is our duty to* '*read these Prayers daily.*'—quoted in BISHOP OF LONDON'S *Charge*, 1842. p. 35.

DR. NICHOLLS (*ob.* 1712) states,—that this Injunction requires that 'if they could not get a Congregation *at Church*, they should 'use the Public Forms *at home*.....in Family Prayer.'—*Com. Pr.* in loco; (also quoted in MANT'S *C. P.*).—'We are all bound, and all 'Priests are in the Church of Rome, *daily* to repeat and say the 'Public Service of the Church.....Here's a command that binds 'us *every day* to say the Morning and Evening Prayer.'—ib. *Add. Notes, p.* 6.

BISHOP SPARROW (*ob.* 1685) observes,—'Besides the *daily* '*private* devotions of every pious soul, and the more solemn 'sacrifices upon the three great Feasts of the year, Almighty 'God requires a *daily Public Worship.*' (*p.* 2.)—*Rationale* in loco.

WHEATLY (*ob.* 1742) says,—the Church of England 'hath taken 'care to enjoin that Public Prayers be read *every Morning and* '*Evening daily throughout the year;* that so all her members 'may have opportunity of joining in Public Worship *twice* at least '*every day.* But to make the duty as practicable and easy both to 'the Minister and people as possible, she has left the determination 'of the *particular hours* to the Ministers that officiate; who, 'considering every one his own and his people's circumstances, 'may appoint such hours for Morning and Evening Prayer, as 'they shall judge to be most proper and convenient.....But if, '*for want of a Congregation*, or on some other account, he cannot

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'conveniently read them in the Church; he is then bound to 'to say them in the Family where he lives.' (*p.* 80.)—*Rat. Ill. of Com. Pr.*

From more modern authorities may be quoted these few opinions annexed:—

The Bishop of London (*Dr. Blomfield*) with respect to this *Rubric* says:—'Of the reasonableness of the hindrance, which may 'excuse a Clergyman from the *daily* celebration of *Divine Service*, 'he must himself be the judge, subject always to the authority 'of the Bishop, in case he shall see fit to interpose it, and *to* '*require* such celebration. In many cases it may be difficult for 'one Clergyman to perform all the Services appointed by the 'Church, and that the framers of the Rubric did *not intend to insist* '*upon an uninterrupted daily* performance of Divine Service, 'appears, I think, from the direction given to the Curate, that 'when it *is* performed he shall cause a *Bell to be tolled* a convenient 'time before, to give the people notice. But it is quite clear, that 'any Clergyman who thinks fit to comply with the *Rubric* in 'this respect, and has *Daily Prayers* in his Church, is justified, 'and more than justified, in doing so.' (*here is quoted the passage from* Dean Comber *given above; his Lordship then proceeds*). 'In 'my Primary Charge to the Clergy of this Diocese, in speaking of '*Matins*, I expressed a wish that the experiment should be tried, 'not on *Wednesdays* or *Fridays* only, on which days the *Litany* 'might still be used at 11 o'clock, but on *every day* except Sunday, 'agreeably to the practice of the early Church, and of our own 'in its better ages. In expressing that wish I had in view the 'Parish Churches in *Towns:* and where it has been carried into 'effect, I believe that a considerable number of persons have been 'found to profit by the opportunities so afforded. I know of no 'reason why the same practice should not be resorted to in *Country* '*Parishes*, where the resident Clergymen are desirous of giving 'full effect to the Church's intentions; although the employments 'and habits of our *rural* population may prevent it, for a time 'at least, from producing much effect.' (*p.* 34—36.)—*Charge*, 1842.

The Bishop of Exeter (*Dr. Phillpotts*) observes:—'That 'Liturgy was prepared, those Rubrics were designed, not to 'regulate the Service of one day only in the week, but of *every* '*day*. Whose fault is it, that its use is commonly so limited?..... 'On this matter, however, I do not pretend to prescribe to you 'any rule. It must be left to your own judgment, and your own 'feeling.....In *Country Parishes* it may not be easy to gather a 'Congregation, yet often, even there, the aged, the infirm, and 'some of those whose station exempts them from constant 'occupation, might be brought gladly to avail themselves of the 'more frequent ministrations of their Pastor.'—*Charge of* 1842.

The Bishop of Worcester (*Dr. Pepys*) states:—'I must 'express my doubts, whether the compilers of our Liturgy ever 'contemplated the performance of a *Daily Service* generally in the 'Parochial Churches of the Kingdom. Such a Service is, indeed, 'provided for in the Prayer Book, but then it must be recollected 'that it was necessary to provide in the Prayer Book for the

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'Service in *Cathedrals*, as well as for that in Parochial Churches of 'the country. In the former the *Daily Service* is still performed: 'and as Cathedrals are usually situated in large Towns, it is 'probable that out of a considerable population many may be found 'to profit by it; this, however, is, ordinarily, not the case in the 'country, and it may be doubted whether much spiritual benefit 'would be derived from the performance of a *Daily Service*, where 'the various occupations of the inhabitants of a Parish prevented 'the chance of a Congregation. The Preface to the Prayer Book, 'indeed directs that all Priests and Deacons are to say, *daily*, 'the Morning and Evening Prayer, either *privately* or openly. It 'is clear, therefore, that the *option* is afforded them. How far they 'comply with this direction, by reading the *Daily Service* privately, 'is a matter which, of course, can be only known to themselves..... 'We cannot be too much engaged in such duties, and they may be 'performed, no doubt, with much spiritual advantage by such of 'the Clergy as have the population of large Towns committed 'to their charge; but when I consider the onerous duties which 'now devolve upon the clergy, &c.....I could not bring myself 'to impose upon those, whose important functions are already 'so ill-requited, the additional burden of a *Daily Service*.' (*p.* 14—17.)—*Charge*, 1842.

The late Bishop of Down & Connor, &c. (*Dr. Mant*) remarks:—'Our people cannot be regarded, as so well trained in 'the knowledge of God, and so much inflamed with the love of 'His true religion, as not to require "the *daily* hearing of Holy 'Scripture read in the Church." Among the many motives which 'might be alleged for observing the Church's rule of *Daily Service*, 'this is one: and if any of you be placed in a situation, where 'the use of such Service is *practicable*, (for I do not say that it 'is always so,) this may operate as one inducement with you to the 'practice.' (*p.* 94.)—*Hor Lit.*

Dr. Hook observes in respect of this *Rubric*:—'As this is 'not only a direction of the Church, but also part of an Act of 'Parliament, any Parishioners desirous of attending *Daily Prayers* 'might *compel* the Clergyman to officiate, by *bringing an action* 'against him, as well as by complaining to the Bishop. For this, of 'course, there can seldom be any necessity, as most of the Clergy 'would be too happy to officiate if they could secure the attendance 'of two or three of their Parishioners. By the general practice 'of the Clergy, it seems to be decided that they are to say the 'Morning and Evening Prayer in *private*, if they *cannot obtain a* '*Congregation*; though even under those circumstances the letter 'of the Rubric seems to direct them to say the Offices at Church, if 'possible.'—*Ch. Dict.* Art. 'Daily Prayers.'

Rev. J. Jebb, speaking of Cathedral Service, says:—'As the 'Church has enjoined the *daily* use of Morning and Evening 'Prayer, and as she has made no material difference between their '*Week-day* and *Holy-day* use, (except in some particulars, that 'tend to edification, and such as the greater solemnity of certain 'Festivals may require,) so no material difference should be made 'in the principle of its performance, though of course a greater 'fulness should be given to the Holy-Day Service.....And though

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'the *Week-day* is not as holy as the *Sunday*, yet to those whose 'duty or privilege it is to attend the *Daily Prayers*, the Sanctuary 'and the Service celebrated there are equally holy at all times..... 'There is a reason of indestructible obligation for the maintenance 'of the *Daily Service*, in all its proprieties, so far as circumstances 'will allow. In *country Parishes* this is generally impossible. But 'in all *endowed Choirs*, it was the original intention, and it is the 'general practice (the exceptions are of confessedly modern date) 'to perform the whole Matins and Evensong *daily*.' (*p.* 185, 186.)—*Choral Service.*

Rev. E. Monro, speaking of *Daily Service*, remarks:—'One 'foremost difficulty is, the unlikelihood of attendance, and the fact 'of so many instances of *Daily Prayer* existing with very thin 'Congregations.....In very many cases.....the hours are such that 'the poor cannot attend, or, which is far oftener the reason, no 'attention has been paid to them to induce them to use these 'means of grace (*p.* 67).....Why in many cases the numbers are 'very small, is, that the hours chosen for it are unsuitable and 'inconvenient.' (*p.* 68.)—*Parochial Work.*

Rev. J. C. Robertson observes:—'Let me state clearly, that 'I am fully convinced of the desirableness of *daily* Public Prayer, 'and rejoice to think that our people are becoming prepared for 'it, and that it is growing more general. In what follows, I only 'wish to establish on historical evidence the principle that we are 'at liberty to use caution and consult expediency in striving after 'the fulfilment of our Church's intentions in this respect.....it 'is, as I purpose to shew, a mere imagination to suppose that '*Daily Service* was ever general in England since the Reformation; 'or that in the times of our most revered divines, Service was 'performed in Churches without a Congregation.' (*p.* 40, 41.)..... Where it does exist, however, he strongly objects to its being 'suffered to drop, adding:—'If a Clergyman find in his Parish a '*Daily Service*, or an *observation of Holy-days*, or *Litany-days*, he 'will incur just suspicion and blame should he substitute for these, 'Prayers and Lecture on *Tuesday* or *Thursday Evenings*, or a 'system of *Household-lecturing*, or should he confine the Public 'Service in his Church to the Lord's-day.' (*p.* 337.)—*How shall we Conform to the Lit.*

Rev. J. Sandford is of opinion that—'The revival of *Daily* '*Public Prayer* is a subject which must be interesting to pious 'Churchmen. And when viewed dispassionately, and apart from 'questions with which it has been involved, its desirableness can 'scarcely be disputed.' (*p.* 247).....'Many of its advocates have 'enforced it, rather on the *authority of a Rubric*, than on the 'ground of religious obligation, or of the blessings it imparts.' (*p.* 248).....'The practicability of such a Service must, however, 'be determined by circumstances, and by the hold which the 'Parochial Minister possesses on the minds of his people. A hasty 'recurrence to practices which, however excellent, have been long 'discontinued, is not likely to do good.....There are doubtless, 'many instances in which a Clergyman, who is faithful and affec- 'tionate in his public and private Ministrations, might judiciously 'revive the *Daily Service*.' (p. 250.)—*Parochialia.*

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Rev. E. Scobell says:—'Now taking the Act, and the Rubrics, 'and the Canon together, it is evident, that *daily* Morning and 'Evening Prayer indeed is contemplated throughout the year; but 'in different ways; *publicly* in the Church on certain specified days, 'about thirty in number beside the Sundays, and on all other days '*privately* at home: and this latter, not in any way laid as a burden 'or a snare upon the conscience of any one, but to the *Laity* 'permissively and hopefully; and although to the Clergy more 'distinctly, yet with every fair allowance, under varying circum-'stances, both for their personal accommodation and prudent 'judgment.....The *Clergy*, whether in office or not, are directed to 'say Morning and Evening Prayer *every day*, privately on private 'days, openly in Church on the public ones; unless "*openly*" 'further include to them the option of reading it to their Families 'in their domestic oratories;....but in each of these, severally, 'with a proviso, that their health permit, and that no other 'hindrance, without saying what, urge them to intermit it. An '*Officiating Clergyman* has a further direction, viz. that on all '*common days* he is to take the opportunity in saying *his* private 'and personal *Matins* and *Vespers*, of saying them in the Parochial 'Church or Chapel, at his own hour from time to time, and without 'any one necessarily being present with him, his Prayer being '*private* in its first intention: but at the same time it is provided, 'with a kind and secondary purpose, that he shall not begin these 'his *private* Prayers, without first causing a *Bell* to be rung, in 'order to apprize the people in the Village, that he is there 'present, and about to be so occupied at that time, so that, thus, 'those who happen to reside within hearing and feel inclined, '(and this may be so from many causes; still, no order is given,) 'may come in, and pray with him. But all this is precarious, they 'cannot depend on it; the Service is not established; since even to 'the *Curate* the rule is not absolute: if he is from home ever so 'often, or ever so long, it is then quite contingent, and not binding 'upon him in any way; or if he has any other reasonable cause to 'assign, and in this way the very *smallness of Congregations* may 'be one, the habit is allowed to stand over,—in other words, it is 'with a permission and a direction to do it, if it suits him; but with 'prospective precaution, and laying no undue yoke or restraint, 'either upon his convenience, or conscientious discretion.' (*p.* 28—30.)—*Thoughts on Ch. Sub.*

Mr. Cripps (*Barrister-at-Law*), in arguing the question, whether under this Rubric, the Bishop could *enforce* Daily Service, says:—'There appears to be little difficulty in arriving at the 'conclusion that he *could not*. And that, however desirable it may 'be in places where a sufficient Congregation could be collected 'that *Daily Service* should be performed, yet that the only times at 'which its performance could legally be enforced, are such times 'as are specified in the *Canon* (the 14th).....and the *Statutes* (see '*postea*)....There is no direction in the Rubric, nor can any 'inference be drawn from it, that this (*Common Prayer*) was to be 'used *daily* in every Church....The directions of the *Canon* (14th) 'may be deemed decisive of the question....No action for damages 'will lie against a Minister for refusing to celebrate Divine Service.' (5 *Rep.* 72 b)—*Laws Rel. to Church and Clergy.* (p. 598-9).

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Mr. Stephens (*Barrister-at-Law*), is of a *contrary opinion* to the last quoted author: he says:...'To satisfy the language of 'the Rubric, it will not suffice for "the Curate that ministreth 'in any Church or Chapel" to say *privately* the Morning and 'Evening Prayer *daily*—he is *bound in the eye of the Law* to 'say the Morning and Evening Prayer *publicly* in his Church or 'Chapel where he ministreth, except he be prevented by occasional 'absence or other reasonable hindrance;—and if he omit to comply 'with this Rubric he will be *guilty of a breach of the Laws* 'Ecclesiastical. This leads to the further remark, which it may be 'well for every Curate who "ministreth" in any Parish Church or 'Chapel to consider, that if any such Curate be *requested by any* '*two or three of the Parishioners* to say Morning and Evening 'Prayers *daily* in the Church or Chapel, and *he refuse* or *neglect* 'to comply with the request, he will bring himself within the '*Church Discipline Act* (3 & 4 *Vict. c.* 85*), and his Bishop on their 'complaint will have no alternative but *to compel him* to obey the 'Rubric, it being part of the *Statute Law* of the land.' (*p.* 306.)—*Com. Pr.* E. H. S.

The Quarterly Review, after commenting upon the Bishop of London's *Charge* of 1842 (quoted above) on this head, adds:—'We need not enter into a detail of the various causes that would 'naturally tend to interfere with a regular attendance of any, but 'especially of a rural Congregation, at *daily* Week-day Services, 'The *Canons* (1603, following in this Queen Elizabeth's '*Injunc-*'*tions*,' 1559, § 48.) seem not to contemplate a compliance with the 'Rubric as to *Week-day Services*....Indeed the whole tenor of 'this Canon (15th), and of the Injunction on which it is founded, 'directing the *Minister*—"to *resort* to the Church or Chapel on 'Wednesdays and Fridays *weekly*, though they be not Holydays,"—'seems quite inconsistent with a presumed attendance there *every* '*day* in the week....how, we ask, can it be reasonably supposed 'that the Injunction intended, or that the Canon contemplates, 'that there should be a full, regular, and invariable *Daily Service* 'every Morning and Evening in the year? The Rubric *clearly* '*directs that there should*—the Canon *as clearly*, we think, *infers* '*that there should not*.....For our own part we confess that we 'should gladly compound for a due execution of the *Canon*—that 'is, for a Congregation of the immediate neighbours to the *Litany* 'on Wednesdays and Fridays; and a general assemblage of "all 'manner of persons" to the *full Services* of the Parish Church on 'the Sundays, and greater Holy-days. This, we trust, is practicable '&c.' (*p.* 249—52.)—No. cxliii. *May* 1843.

93.—This diversity of opinion will not, it is to be feared, encourage the expectation of any general conformity being arrived at with respect to the performance of '*Daily Prayers*' in our Churches; the desire to make the attempt must therefore develope itself with great

* Doubtlessly this is a misprint for '*c.* 86.'

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precaution, and ought not to be undertaken without the previous assurance of having a Congregation, nor without the sanction of the Bishop so as to provide against the objection of dissentients. In such a proceeding, above every other consideration, the Apostolic rule must not be forgotten by the Officiating Minister, "Let all things be done unto *edifying*." And the Parishioners themselves should not have cause to entertain any other idea than the one inculcated by St Paul that, "We do all things, dearly beloved, *for* your edifying." With respect to the SUNDAY, and HOLY-DAY *Services*, however, we shall have directions more definite.

THE SUNDAY AND HOLY-DAY SERVICES.

94.—The regulations enjoining the *Public Worship* of the SUNDAY, as well as the Divine Services of *other* HOLY-DAYS, are free from that ambiguity and uncertainty with which the *Rubrics* prescribing public *Daily Prayers* are invested. The *Sunday*, and other *Holy-day Services*, are directed to be performed both by *Canon*, and *Statute Law;* and the omission of either the MORNING, or EVENING SERVICE, is not permitted without the sanction of the Bishop.

95.—First, these DAYS are appointed to be *kept holy*. By the CANON, *Sundays*, and other *Holy-days* are to be religiously kept.—'All manner of persons within the Church of 'England shall from henceforth celebrate and keep the *Lord's* '*Day*, commonly called SUNDAY, and *other* HOLY-DAYS, accord-'ing to God's holy will and pleasure, and the *Orders* of the 'Church of England *prescribed* in that behalf; that is, in hearing 'the Word of God read and taught; in private and public Prayers; 'in acknowledging their offences to God, and amendment of the 'same; in reconciling themselves charitably to their neighbours, 'where displeasure hath been; in oftentimes receiving the Com-'munion of the Body and Blood of Christ; in visiting of the 'Poor and Sick; using all godly and sober conversation.'—'CANON 13.

In the next place, the 'Divine Service' as *prescribed in the* LITURGY is to be used: and COMMON PRAYER is to be said on *Sundays*, other *Holy-*

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days, and their *Eves*.—'The COMMON PRAYER shall be said or sung 'distinctly and reverently upon *such days* as are appointed 'to be kept *holy* by the BOOK OF COMMON PRAYER, and their '*Eves*, and at convenient and usual times of those days, and in 'such *places* of every Church as the Bishop of the Diocese, or 'Ecclesiastical Ordinary of the place, shall think meet for the 'largeness or straitness of the same, so as the people may be 'most edified.'—CANON 14.

No Beneficed Clergyman having 'Cure of Souls,' nor Curate, Lecturer, or Reader, is exempted from reading the Common Prayers of the Church. *By every* MINISTER are the Morning *and* Evening Services to be read, on *two several Sundays twice in every year at the least*:—'Every *Minister* being possessed of a 'Benefice that hath Cure and Charge of Souls, although he 'chiefly attend to Preaching, and hath a *Curate* under him to 'execute the other Duties which are to be performed for him in the 'Church; and likewise every other *Stipendiary Preacher* that 'readeth any Lecture, or Catechizeth, or Preacheth in any 'Church or Chapel, shall *twice at the least in every year* read 'himself the Divine Service upon *two several Sundays* publicly, 'and at the usual times, *both in the forenoon and afternoon*, in the 'Church which he so possesseth, or where he readeth, catechizeth, 'or preacheth, as aforesaid; and shall *likewise* as often in every 'year administer the Sacraments of *Baptism*, if there be any to 'be baptized, and of the *Lord's Supper*, in such Manner and 'Form, and with the observation of all such Rites and Ceremonies 'as are prescribed by the Book of Common Prayer in that behalf; 'which if he do not accordingly perform, then shall he that 'is possessed of a Benefice (as before) be *suspended*; and he that 'is but a Reader, Preacher, or Catechizer, be *removed* from his 'place by the Bishop of the Diocese, until he or they shall submit 'themselves to perform all the said Duties, in such manner and 'sort as before is prescribed.'—CANON 56.

96.—The *Statute Law* upon these points is more definite and precise, as will now be seen—

MORNING, and EVENING, PRAYERS *both*, are to be read upon *every Sunday*, and other *Holy-day*, in every Church, *&c.*—'Be it enacted.....that the *Morning* 'and *Evening Prayers* therein (in the Book of Common Prayer) 'contained, shall, upon every *Lord's Day*, and upon *all other days* 'and occasions, and *at the times therein appointed*, be openly and 'solemnly read by all and every Minister or Curate, in *every* '*Church*, *Chapel*, or other place of Public Worship within this 'Realm of England, and places aforesaid.'—13 & 14 *Car.* II. *c.* 4. *s.* 2.

Necessarily by Resident INCUMBENTS.—Where an Incumbent is assisted by one or more Curates, this duty is not allowed to be executed by deputy entirely,

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but the Incumbent himself is still bound to perform the Divine Services *once at least in every month*, under PENALTY of £5; unless prevented by lawful impediment: — 'In all places where the proper *Incumbent* of any Parsonage or Vicarage, or Benefice with cure, doth reside on his 'Living, and keep a Curate, the *Incumbent himself* in person (not 'having some lawful impediment to be allowed by the Ordinary 'of the place) shall *once* (at least) *in every month*, openly and 'publicly read the COMMON PRAYERS and *Service* in and by the 'said Book prescribed, and (if there be occasion), administer each 'of the Sacraments, and other Rites of the Church, in the Parish 'Church or Chapel, of or belonging to the same Parsonage, 'Vicarage, or Benefice, in such Order, Manner, and Form, as in 'and by the said Book is appointed; upon pain to forfeit the sum 'of £5 to the use of the Poor of the Parish for every offence, 'upon conviction by confession, or proof of two credible witnesses, 'upon oath before two Justices of the Peace....and in *default* of 'payment within 10 *days*, to be levied by distress... by the 'warrant of the said Justices, by the Churchwardens or Overseers of the Poor....rendering the *surplusage* to the party.'—13 & 14 *Car.* II. *c.* 4. *s.* 7.

97.—By the above CANONS, and ENACTMENTS, *two Services* are required to be performed upon every SUNDAY, *and every* HOLY-DAY throughout the year. *Custom* has conformed generally speaking to the injunctions respecting the *Sunday*, but in most instances it has intermitted the Services on the *Holy-days:* the latter point will be adverted to presently. The Clergy, however, are not at liberty to neglect or relax in *any* prescribed Duty at their own pleasure, or convenience. It is necessary that the sanction of the Bishop be first procured, as was decided by *Sir Wm. Scott* in the case of *Bennett* v. *Bonaker*, whose judgment, as follows, is quoted in several treatises on Ecclesiastical Law (by *Cripps*, *Rogers*, *Stephens*, and others.).

'By the general law, the *Church Service*, according to the 'Form prescribed in the Book of Common Prayer, is to be 'regularly performed *every* SUNDAY in the *Morning* and *Evening*. 'If less duty is required, *any relaxation* must be adopted, with 'the approbation of the Diocesan, who is to judge of the degree to 'be allowed; and the Minister must strictly adhere to the terms 'prescribed, and not vary them for his own convenience....It is 'not likely, *nor would it be proper*, that the *Parish should complain* of occasional accidental omissions.'—(1 Hagg. *Eccl.* 25).

*** Any *sudden* attack of illness, or other unexpected emergency, must needs be admitted as sufficient excuse for the suspen-

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sion of a Morning, or Evening 'Duty.' It is to such casualties probably that the concluding remark in *Sir Wm. Scott's* judgment refers.

The BISHOP OF LONDON, speaking on the subject, enjoins,—'that no Clergyman, serving only one Church, *omit* either Morning 'or Evening Service on SUNDAYS.' (*p.* 66.)—*Charge*, 1842.

98.—With respect to the *number* of Services to be performed on the *Sunday*, this is by Statute Law made dependent upon the discretion of the Bishop of the Diocese; and, it may be added, the *Bishop* can require *two full* SERVICES upon *every Sunday* in every Parish, and Chapelry of his Diocese, where the Benefice is composed of *two* or *more* Parishes, &c. and the *value* of such Parish, or Chapelry, amounts to £150. *per annum*, and the *Population* reaches to 400 persons. Thus:—

'It shall be lawful for the Bishop in his discretion, to order 'that there shall be *two full Services*, each of such Services, if the 'Bishop shall so direct, *to include a Sermon* or *Lecture on every* '*Sunday* throughout the year, or any part thereof, in the Church 'or Chapel of every or any Benefice within his Diocese, whatever 'may be the annual value of the population thereof; and *also* 'in the Church or Chapel of *every Parish* or Chapelry, where a 'Benefice is composed of *two* or *more* Parishes or Chapelries, in 'which there shall be a Church or Chapel, if the *annual value* of 'the Benefice arising from that Parish or Chapelry shall amount 'to £150, and the *population* of that Parish or Chapelry shall 'amount to 400 *persons*.'—1 & 2 *Vict. c.* 106. *s.* 80. (This statute 1 & 2 *Vict.* repeals that of 57 *Geo.* III. *c.* 99, which legislated on this same subject.)

99.—Also in some cases a *Third Service*.—Where the Church room is insufficient for the population, the Bishop may order a *Third Service*, and require a CURATE to be appointed, who shall be paid by the *Letting of the Pews* for this additional Service, or by *Subscription*: in failure thereof within *six months*, the Bishop himself may appoint:—

'In any *Parish* or Extra-Parochial place in which it shall 'appear to the Bishop of the Diocese that the *Churches* or '*Chapels* now existing, or which may be built or provided under 'any of the provisions of this Act, do not or will not *afford* '*sufficient accommodation* for the Parishioners or inhabitants 'thereof to attend Divine Service.....and in which such 'Bishop shall be of opinion that it is expedient that additional 'accommodation should be provided for such purpose, and that 'such purpose would be answered by the celebration on Sundays, 'and on the great Festivals, of a *third* or *additional Divine*

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'*Service*, being either the Morning or Evening Service.....as 'shall be directed by the Bishop of the Diocese, *with a Sermon*, 'in the Churches or Chapels existing at the time of passing this 'Act, or by the celebration of a *third* or *additional Service* as 'aforesaid, *with a third Sermon*, in any Church or Chapel which 'may be built or provided under any of the provisions of this 'Act, it shall be lawful for such Bishop *to require the Incumbent* 'of every such Parish, District Parish, or Extra-Parochial place, '*to nominate* to him a proper person to be licensed to serve as a 'CURATE in the existing Church or Chapels for the performance 'of such *additional* or *third Service* with a *Sermon*, or in any 'Church or Chapel which may be built or provided as aforesaid, 'for the performance of such *additional* or *third* Service with a 'third Sermon; and such *Incumbent* shall, *within six months* 'after such requisition, nominate such Curate to the Bishop to 'be licensed; and *in default* of such nomination, such *Bishop* is 'hereby empowered *to nominate* and license a proper Curate for 'the purpose aforesaid; and the said Bishop is hereby em-'powered to require the *Churchwardens* of every such Church 'or Chapel *to let* for the said additional Service such proportion 'of *the Pews* of such Church or Chapel, *not* being a *Pew held by* '*faculty* or *prescription*, and at such rates, as in the opinion of 'such Bishop shall be sufficient to afford a competent *salary to* '*such Curate;* and such *Churchwardens* are hereby empowered 'and required so to let the same, and to *raise and levy*, in the 'manner directed by this Act, the *rents* from the persons who 'may take the Pews, *reserving* such number of sittings as *free-*'*seats* as to such Bishop shall appear expedient, *not being less* '*than one fourth;* provided always that if, in any Parish, Dis-'trict-Parish, or place as aforesaid, any number of persons shall 'represent to such Bishop that they are willing to provide *by* '*subscription* such an annual sum as may be sufficient to afford a 'competent *salary to a Curate* for the performance of such '*additional Service with a third Sermon*, and if the Bishop shall 'be of opinion that such mode of providing a salary for such 'Curate is more expedient than the raising of such salary by '*Pew rents*, it shall be lawful for such Bishop, and he is hereby 'empowered, *to require the Incumbent* of such Church or Chapel '*to nominate* a Curate to him as aforesaid, and *in default to* '*appoint a Curate himself:* provided always, that *such Curate* 'so nominated and licensed for the performance of such third 'Service as aforesaid, shall *be subject* to all jurisdiction, laws, 'statutes, and provisions, to which Stipendiary Curates are 'subject, except so far as relates to the amount of salary, and 'the mode of raising and paying the same, which shall be regu-'lated according to the provisions of this act.'—58 *Geo.* III. *c.* 45. *s.* 65.

If by *Subscription*, the next *Section* provides—'That 'in case of such provision for the performance of an additional 'or *Third Service* being made by *Subscription*, that *every* '*person so subscribing*, being a Parishioner, shall have the 'option of *any Pew* in such Church or Chapel, not being a Pew 'held by faculty or prescription, for the time of such additional 'Service and Sermon, *according to the amount of his or their* '*respective subscriptions*, or, in case of *equality* of the sums sub-

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'scribed, *according to the date* of his or their Subscriptions, and 'shall continue to hold such Pew so long as he or they shall pay 'such subscription, and no longer: provided also, that if at any 'future time the whole amount of such *subscription shall fail* 'to produce such a sum as shall be deemed by such Bishop a 'competent salary for such Curate, such Bishop shall and may 'in such case authorize and require the *Churchwardens to raise* 'by *letting* a proportion of the *Pews* as aforesaid, such sum or 'further sums as may be sufficient for *making up* the said 'salary: provided always, that the *salary* to be given to such 'Curate for the performance of the said additional Service with 'Sermon, *shall in no case*, except when raised entirely by Sub-'scription, *exceed* the sum of £80. per annum.'—ib. *Sect.* 66.

100.—On this subject it may be permitted to remark from the results of actual experience, that no Clergyman ought to attempt to undertake single-handed *three full Services* every Sunday, unless he possess more than ordinary physical powers, as well as considerable readiness in composition: and even then, he will find that bodily indisposition and mental fatigue, necessarily induced by his numerous daily engagements, and continued exercise of thought, will produce an occasional interruption of his Ministrations, and probably an ultimate and premature breaking up of his constitution. A Clergyman under such circumstances possesses no authority habitually to curtail the Services, nor to substitute the *Litany* for the 'Evening Service,' unless he has the previous sanction of the Bishop. It is necessary, therefore, for one whose zeal would carry him beyond ordinary limits, that he well 'count the cost' before the experiment be tried—experiment indeed it must be—for it will be far better not to have made the attempt at all, than having made it, eventually to fail in the execution, and cause disappointment, if not dissatisfaction, to his people.

101.—In other respects the efforts of a zealous mind are restrained within due bounds by the law: a Clergyman is precluded by the *Canon*, and *Statute law* from serving *more than two Benefices* in one day: thus—

Serving limited.—'No Curate or Minister...shall 'serve more than *one Church* or Chapel upon one day, except 'that Chapel be a member of the Parish Church, or united

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'thereunto; and unless the said Church or Chapel, where such a 'Minister shall serve in two places, be not able, in the judgment 'of the Bishop or Ordinary, to maintain a Curate.'—CANON 48.

Except in case of Emergency. — 'No spiritual person 'shall serve *more than two* Benefices in one day, *unless in* '*case of unforeseen and pressing emergency;* in which case the 'spiritual person who shall so have served more than two Bene-'fices shall forthwith report the circumstance to the Bishop of 'the Diocese.'—1 & 2 *Vict. c.* 106. *s.* 106.

102.—Again, as to the *Apportionment of Duties.*—If any difficulty arises with respect to the due *apportionment* of the Services, or other Duties, where two or more Spiritual Persons have been instituted, or otherwise admitted to the 'Cure of Souls' in *one Benefice*, the Bishop may issue a decree to such Spiritual Persons, the Church or Chapel-wardens, and inhabitants, determining the several proportions to be performed by each; which *decree*, if no cause be shown to the contrary, will be confirmed under his Lordship's hand and seal, and be binding on the parties concerned. An *appeal*, however, will lie to the Archbishop of the Province. (by 2 & 3 *Vict. c.* 30.).

Divine Worship on Board Ship.

103.—*Sunday* is required to be kept holy in all the *Ships* of the Royal Navy, and *Public Worship* to be solemnly held according to the Liturgy of the Church of England by the Chaplains duly appointed: thus—

'All Commanders, Captains and Officers in or belonging to any 'of his Majesty's Ships or Vessels of War shall cause the Public 'Worship of Almighty God, according to the Liturgy of the Church 'of England established by law, to be solemnly, orderly, and 'reverently performed in their respective Ships; and shall take 'care that *Prayers* and *Preaching* by the Chaplains in Holy 'Orders of the respective Ships be performed diligently; and that 'the *Lord's Day* be observed according to law.'—22 *Geo.* II. *c.* 33. *s.* 2. (See "*Navy Chaplains*" Vol. A.)

We now arrive at the distinct consideration of the *Holy-Day Services.* An enumeration of the *Festivals*, and *Fasts*, as by law appointed, will follow.

Holy-Day Services.

104.—The *keeping* of Holy-Days is appointed in CANON 13; and the *reading* of the COMMON PRAYER on

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those days, and their *Eves*, is enjoined in CANON 14; both of which have been just quoted (See *par.* 95.). The Clergy are also required by *Canon* and *Rubric* to announce to the Congregation on the Sunday, the Holy-Days that occur, and will be observed, in the week ensuing; thus—

'Every *Parson*, *Vicar*, or *Curate* shall in his several charge 'declare to the people *every Sunday*, at the time appointed in the 'Communion Book, whether there be any *Holy-Days* or *Fasting-* '*Days* the week following. And if any do hereafter wittingly 'offend herein, and being once admonished thereof by his Ordi- 'nary, shall again omit that duty, let him be censured according 'to Law, until he submit himself to the due performance of it.'—CANON 64.

Also, the RUBRIC after the *Nicene Creed* directs that,

'¶ *Then* (after such Sermon, Homily, or Exhortation, 1552 to '1604) *the Curate shall declare unto the people* (whether there 'be any 1552—1604) *what Holy-Days*, or *Fasting-Days*, '*are in the week following to be observed.*'—(1662)—Present Book of Com. Prayer.

105—Notwithstanding that the observance of HOLY-DAYS is thus enjoined upon the Clergy by the *Canons*, (13, 14, and 64); by the *Rubric* in the Liturgy; as well as by the *Statute*, 13 & 14 *Car.* II. *c.* 4. *s.* 2. (quoted in *par.* 96.): yet *Custom* has in very numerous instances, particularly in country parishes, over-ridden both Canon and Statute Law in this respect. During the period of the Reformation, *Sundays*, and *other Holy-Days*, were looked upon with equal reverence; and in the several Ecclesiastical and Civil enactments of those days, the injunctions affecting one, affected also the other, as may have been observed in the Canons and Statute Laws just quoted. In later times, however, as the progress of Non-conformity advanced, so did a stricter observance of the *Sunday* than of most of the other *Holy-Days* grow with it, till at last the '*Toleration Acts*,' passed from time to time, have completely absolved all who *dissent* from the Established Church from the necessity of conforming to those Laws imposing the keeping of the other *Holy-Days*, two excepted. The wide-spread example thus set to the people at large, coupled with the acknowledged proneness of the human heart to cling to

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'things temporal rather than to things eternal,' have, as an almost necessary consequence, weaned the affections of our Congregations from those *Week-Day Services*, which were so highly prized by our fore-fathers. And now, the *Laity* at large are only bound by Statute law to the religious observance of the *Sunday*, *Christmas-Day*, and *Good-Friday*, and such *Public Fast* and *Thanksgiving-Days* as may be enjoined by the Legislature. With regard however to the duties of the Clergy of the Church of England in respect of the *Holy-Days*, the remarks that have been already made upon the '*Daily Services*,' and the opinions and authorities there brought forward to elucidate the degree of conformity required, will be found in some measure applicable to the HOLY-DAY *Services* now under discussion; since any attempt to introduce them, regularly and systematically, where they have not been previously known, or to revive them after long continued disuse, will require equal care, and caution, and preparation. These observations apply particularly to *Saints'-Days*, and *Vigils*. The *Holy-Days* commemorative of the chief events of our Lord's Ministry are likely to be familiar to the people, and should by all means be recognized and religiously observed. The Bishop, however, has authority to enforce the performance of Divine Service on all the days appointed to be kept holy by the Book of Common Prayer.

106.—It may now be necessary to explain how far the Laity are *bound* by the temporal law *to observe* the SUNDAYS, and HOLY-DAYS; to distinguish those of the latter which are prescribed by Acts of Parliament; and to note the *Penalties* that are attached for default. Yet in bringing forward these penal Enactments, it should be understood that the intention is more to strengthen a Minister's position and authority by making him acquainted with their existence, than that he should call their severity into actual—much less repeated—exercise; otherwise he would expose himself to the charge of persecution, which might be injurious to the usefulness of his ministry. There are

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however cases where *Sunday-working* and *Sunday trading* have a very demoralizing effect upon the artizan and labourer, as well as upon the habits of youth and children, against which remonstrances prove ineffectual: in these instances the law must necessarily be appealed to. Further, a knowledge of these Statutes will also enable the Clergyman to perceive how far the Law differs with respect to the observance of *Sunday*, *Christmas-Day*, and *Good-Friday;* and at the same time inform him to what a limited extent a general suspension of secular business and employments upon the two latter days can be legally enforced, if attempted.

LAY OBSERVANCE.

Of Sunday, Christmas-Day, Good-Friday, &c.

107.—Although the CANONS generally do not, as we have seen, *proprio vigore*, bind the LAITY, yet when they are explanatory of the Common Law, *all persons* must submit to their authority (see *par.* 50.) The 13*th*, CANON bears upon the present subject, and although its application is circumscribed by the '*Toleration Acts*,' yet it is necessary that it be here referred to. It runs thus:—

> '*All manner of Persons* within the Church of England 'shall from henceforth celebrate and keep the LORD'S DAY, 'commonly called *Sunday*, according to God's holy will and 'pleasure, and the orders of the Church of England prescribed in 'that behalf.....'—CANON 13.

We now pass to the STATUTE LAW; and after speaking of the '*exercise of the ordinary Calling*' on SUNDAYS in a general way, as laid down by the Act, we will proceed to define the Law applicable to each particular case, and in *Alphabetical order*.

108.—Till latterly, Persons *not going to Church*, or other place of Public Worship, on the *Sunday* were liable to a fine of 1*s*. (by 1 *Eliz. c.* 2. *s.* 14. and 3 *Jac.* 1. *c.* 4): but this, and most of the other Statutes,

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imposing penalties and disabilities with respect to religious opinions, have been *repealed* by 9 & 10 *Vict. c.* 59. (See BURN's *Eccl. L.* Phil. iii. 405—6. STEPHENS' *Ec. Stat.* 366—8. *n; Laws Rel. to Cl.* 464). The following Statutes, however, are in force.

109.—*To Exercise one's Ordinary Calling on* SUNDAY incurs a Penalty of 5*s.*; and the *Goods* exposed to sale are to be *forfeited* :—

'It is enacted.....that all and every Person and Persons 'whatsoever, shall on every *Lord's Day* apply themselves to the 'observation of the same, by exercising themselves thereon in 'the duties of piety and true religion, publicly and privately; 'and that no *Tradesman*,* *Artificer*, *Workman*, *Labourer*, or '*other person* whatsoever, shall do or exercise any worldly 'labour, business, or work, of their *ordinary callings*, upon the 'LORD'S DAY, or any part thereof, (*works of necessity and charity* '*only excepted*), and that every Person being of the *age* of 14 '*years* or *upwards*, offending in the premises, shall, for *every* such 'offence, *forfeit* 5*s.*—And that no Person or Persons whatsoever, 'shall publicly *cry*, *show forth*, or *expose to sale*, any Wares, 'Merchandises, Fruit, Herbs, Goods, or Chattels, whatsoever, 'upon the LORD'S DAY, or any part thereof, upon pain that every 'person so offending shall *forfeit* the same.'—29 *Car.* II. *c.* 7. *s.* 1. Offences against this Statute are to be heard before *one* Justice, be proved by one Witness, or on view of one Justice, or by confession of the party; and the *Penalties* be applied to the use of the Poor (a third part may be given to the Informer). Recovery is by Distress; and in failure of Distress the Offender to be put in the stocks for 2 hours.—ib. *Sect.* 2. But all *Prosecutions* under this Statute must be *within* 10 *days* after the offence is committed.—ib. *Sect.* 4.

, The meaning of this Statute is, that Persons having an 'ordinary calling,' must not do any *worldly labour* or *business*, or *work*, of their '*ordinary calling* on Sunday;' (*Jus.* HOLROYD in *Rex* v. *Whitmarsh* (Inhabitants of) 7 B & C. 601; 3 *ib.* 164): yet a Farmer *hiring a servant* is not within the Statute; because hiring servants may be necessary for carrying on his ordinary calling, but it is *not a part* of that 'calling.'—(*ib*). *Again*, selling a Gentleman's *Horse* by *private contract* on a Sunday, by a person keeping a commission stable for selling Horses by public Auction, the sale is not void, such sale not being in the ordinary course of his business, which was to sell *by Auction*. (*Jus* MANSFIELD in *Drury* v. *Defontaine*, 1 Taunt. 131.). But *Horse-Dealers* bringing an action upon the warranty of a Horse, the contract of sale and warranty being made on a Sunday, the action was held not to be maintainable. (*Fennell* v. *Ridler*, 5 B & C. 406). Further,

* Under the phrase, 'or other person whatsoever,' is comprized persons of the same class *ejusdem generis*, with those previously mentioned. (*Sandiman* v. *Breach*, 7 B & C. 96.)

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although '*Labour, &c.* may be private, and so not offend against public decency; yet it is equally labour, and equally interferes with a man's religious duties;' and comes within the prohibition of the Statute. (*Jus.* BAYLEY, *ib.* 5 B & C. 436; *Smith* v. *Sparrow*, 4 Bing. 88.) Only one offence can be committed on the same Sunday.

Barges. See '*Watermen.*'

110.—*Ale and Beer-Houses.*—No *Beer*, &c. is to be sold on *Sunday*, *Christmas-day*, *Good-Friday*, or any Public *Fast* or *Thanksgiving-Day* before ½ *past* 12 *o'clock*, or before the *Morning Service* is over.

During MORNING SERVICE:—

'No Licensed Victualler, or Person *licensed to sell Beer by* '*Retail* to be drunk on the Premises, or not to be drunk on 'the Premises, or other Person, in any part of Great Britain shall '*open* his House for the sale of *Wine*, *Spirits*, *Beer*, or other 'fermented or distilled *Liquors*, or *sell* the same on SUNDAY '*before* ½ *past* 12 *o'clock* in the afternoon, or, *where the Morning* '*Divine Service* in the Church, Chapel, Kirk, or principal place of 'Worship of the Parish or Place *shall not usually terminate by* '*that time, before the time of the termination of such Service*, 'and.....in England.....on SUNDAYS. CHRISTMAS-DAY, or 'GOOD-FRIDAY, or on any day appointed for a Public *Fast* or '*Thanksgiving*, before the respective times aforesaid, *except*, in all 'the cases aforesaid, *as refreshment for Travellers;* Provided 'always that nothing herein contained shall authorize the 'opening of any House for the sale of wine, &c.....*at an earlier* '*Hour*, or time than is now allowed by Law.'—11 & 12 *Vict. c.* 49. *s.* 1.)—*Section* 2, repeals 3 & 4 *Vict. c.* 61. *s.* 15. which forbids Beer or Cider to be sold on those days before 1 o'clock P.M.—*Section* 3. forbids Licensed Victuallers, Beer-House Keepers, and Vintners of the City of London, 'to open their Houses for the sale of *any other Articles* during the prohibited hours.'—*Section* 4. forbids *Houses* or *Places of Public Resort* in England or Scotland to be opened for the sale of fermented or distilled Liquors during the prohibited hours.—*Section* 5. provides that any *Constable* shall at any time enter such Houses or Places of Public Resort; *refusing to admit* such *Constable* is an offence against the Act.—*Section* 6. enacts that offenders against this statute shall be liable, upon a summary conviction before any Justice of the Peace, to a *Penalty not exceeding* £5.; and every *separate sale* shall be deemed a *separate offence:* Information to be laid within six calendar months (11 & 12 *Vict. c.* 43. *s.* 11.); to be recovered by distress (*ib. s.* 19.); and in default imprisonment for not exceeding *three calendar months* if not sooner paid (*ib. s.* 22).—See also 3 & 4 *Vict. c.* 61.

During AFTERNOON SERVICE:—

By 9 *Geo.* IV. *c.* 61. *s.* 21. Permitting or suffering any Beer, or other exciseable liquor to be conveyed from or out of his premises, during the *usual hours of the Afternoon* Divine Service in the Church or Chapel of the Parish or place in which the house is situated, on SUNDAYS, CHRISTMAS-DAY, or GOOD-FRIDAY—*Penalty*

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for the 1st offence not exceeding £5.; but on proof of a *prior conviction* within three years, not exceeding £10.; and if proof of *two separate offences* within three years, the case to be adjourned to next transfer day or annual Licensing meeting: and on conviction of offender to forfeit not exceeding £50. The conviction to be by two Justices of the Division where the House is situated. (*ib. s.* 21.) *Information* must be laid within six calendar months. (11 & 12 *Vict. c.* 43. *s.* 11). *Recovery by distress*, if insufficient distress, *imprisonment* for not exceeding one calendar month if the penalty is not above £5.: not exceeding three calendar months if above £5. and under £10.; and not exceeding six calendar months if above £10., unless sooner paid. (9 *Geo.* IV. *c.* 61. *s.* 25.).

During AFTERNOON, and EVENING of *Sundays*:—

By 18 & 19 *Vict. c.* 118. *s.* 2, *Opening* or keeping open House for sale of *Beer*, &c. or fermented or distilled liquors, or *selling* therein *between the hours of three* and *five o'clock in the Afternoon*, on SUNDAYS, CHRISTMAS-DAY, or GOOD-FRIDAY, or any Day appointed for a PUBLIC FAST or THANKSGIVING: or before four o'clock in the Morning of the Day following such SUNDAY, &c. except to a *Traveller* or *Lodger* therein (*ib. s.* 2.)—As well *Houses or places of public resort* as Ale and Beer-Houses (*ib. s.* 3). And refusing to admit or not admitting any *Constable* at any time on the days aforesaid. (*ib. s.* 4.). *Penalty* not exceeding £5. for every such offence, and every separate sale to be deemed a separate offence (*ib. s.* 5.): to be recovered by distress (11 & 12 *Vict. c.* 4. *s.* 19.): in default, *imprisonment* for not exceeding three calendar months, unless sooner paid. (*ib. s.* 22.). *Information* to be laid within six calendar months (*ib. s.* 11.): and conviction before one Justice (18 & 19 *Vict. c.* 118. *s.* 5.).

During EVENING SERVICE:—

In *Reg* v. *Knapp* it was decided that the words "the *usual* hours of the *Afternoon* Divine Service" had reference to what are the ordinary hours of the *Morning* and *Afternoon* Divine Service as distinguished from *Evening Service*: and where, therefore, a Publican who had kept his House open at ½ *past six o'clock* in the *Evening* of a SUNDAY in a place where Service from 3 *o'clock to* 5 *o'clock* had been *discontinued*, and a Service commencing at 6 *o'clock* had been substituted, had been convicted under this clause (9 *Geo.* IV. *c.* 61. *s.* 21.), the conviction was held bad, for the *Afternoon Service* is *between mid-day and* 5 *o'clock*. The 18 & 19 *Vict. c.* 118. meets the case of an *Afternoon Service* also, but the Service commencing at 6 *o'clock* is still unprovided for. (22 L. J. (N. S.) M. C. 139: 17 J. P. 599.).—OKE'S *Magisterial Synopsis*. A.D. 1858. 6th Edition, *p.* 221.

Beer-Houses. See *Ale and Beer-Houses*, supra.

111.—*Arrest.*—(See '*Serving Process*' below). With respect to *Arresting Clergymen*, in *Civil process* they are exempt from *Arrest* whilst engaged in, or going to, or returning from, the performance of the Divine Services. Under this expression is included carrying and administering the Sacrament to the Sick.

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(*Cripp's* L. of Ch. 64.). A *Chaplain in Ordinary to the Queen* is also exempt from *Arrest* on final process (*Winter* v. *Dibdin* 13 M. & W. 25.). This privilege however does not extend to a *criminal process.*—

'If any person shall *arrest* any Clergyman upon any *civil* 'process, while he shall be *performing* Divine Service, or shall, 'with the knowledge of such person, be *going* to perform the 'same, or *returning from* the performance thereof, every such 'offender shall be guilty of a Misdemeanour, and being convicted 'thereof, shall suffer such punishment, by fine or imprisonment, 'or by both, as the Court shall award.'—9 *Geo.* IV. *c.* 31. *s.* 23.

112.—*Attorneys.*—The profession of an *Attorney* is not considered to be included in the definition of an *ordinary Calling*, the exercise of which on a SUNDAY is forbidden by the statute, 29 *Car.* II. *c.* 7. This was decided in the case of *Peate* v. *Dickens*, 5 Tyrw. 116; 3 Dowl. P. C. 171. (ROGER'S *Eccl. L.* 589; STEPHENS' *L. Rel. to Cl.* 1288).

113.—*Bakers* residing *out of London*, and 10 *miles beyond the Royal Exchange* are forbidden to exercise their 'calling' on *Sundays, after* ½ *past* 1 *o'clock* in the afternoon, under PENALTY of 10*s.* for the First offence; 20*s.* for the Second; 40*s.* for every subsequent Offence, and the expenses in each case:—

'No Master or Mistress, Journeyman, or other person 'exercising or employed in the Trade or Calling of a *Baker*, 'beyond the limits aforesaid, shall, on the LORD'S-DAY, or on 'any part thereof, *make* or *bake* any *Bread*, *Rolls*, or *Cakes* of 'any sort or kind; or shall, on any other part of the said day '*after* ½ *past* 1 *o'clock* in the afternoon, *sell* or *expose to sale*, 'or *permit* or *suffer to be sold or exposed to sale*, any Bread, Rolls, 'or Cakes of any sort or kind; or *bake* or *deliver*, or permit 'or suffer to be baked or delivered, any Meat, Pudding, Pie, 'Tart, or Victuals, or in any other manner exercise the Trade or 'Calling of a Baker, or be engaged and employed in the business 'or occupation thereof, *save and except* so far as may be necessary 'in setting and superintending the *sponge* to prepare the Bread 'or Dough for the following day's baking; and every person 'offending against the last mentioned regulations, or any one or 'more of them, and being thereof convicted before any Justice 'of the Peace.....*within* 6 *days* from the commission thereof, 'either upon the view of such Justice, or on confession by the 'party, or proof by *one* or more credible *witnesses*.....shall pay... 'for the 1*st* offence, 10*s.*; for the 2*nd* offence, 20*s.*; for the 3*rd*, 'and every subsequent offence, 40*s.*;.....and moreover, the *costs* 'and *expences* of the Prosecution.'—A *part of the Penalty* at the discretion of the Justice to be paid to the *Prosecutor* for loss of time, not exceeding 3*s. per diem*: the residue to be given to the *Overseers of the Poor*, in aid of the County-Rate: and if *not paid within* 3 *days* to be recovered by *Distress*:.....In default or insufficiency of such Distress, Commitment to the *House of Correction*, with or without *hard labour*, for the 1*st* offence, 7 *days*; for the 2*nd* offence, 14 *days*; for the 3*rd*, or every subsequent offence, *one calendar month*, unless all the Expences are sooner paid.—' Provided nevertheless, that it shall be lawful for every

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'*Baker* residing beyond the limits aforesaid to deliver to his or 'her *Customers* on the LORD'S-DAY, *any Bakings*, until ½ *past* 1 '*o'clock*, without incurring or being liable to any of the Penalties in 'this Act.'—6 & 7 *Will.* IV. *c.* 37. *s* 14. (which *repealed* 59 *Geo.* III. *c.* 36. *s.* 12; and 1 & 2 *Geo.* IV. *c.* 50. *s.* 11.)

114.—*Bakers in London, and within* 10 *miles of the Royal Exchange*, Bakers are subject to the same restrictions and Penalties by 3 *Geo.* IV. *c.* 106. *s.* 16. The provisions of this statute with respect to *Sunday Trading* are similar to those of 6 & 7 *Will.* IV. above quoted, except that the *time allowed* to the London Bakers is more circumscribed. The clause of 3 *Geo.* IV., after forbidding the exercise of this '*Calling*' on the LORD'S-DAY, runs:—'or any part of the said day *than between the hours of* 9 'o'clock *in the forenoon, and* 1 o'clock *in the afternoon, on any* '*pretence whatsoever, sell or expose to sale*, &c.' Yet the *section* concludes with the permission to deliver Bakings to customers till ½ *past* 1 *o'clock*, as in the statute of 6 & 7 *Will.* IV. above. The Statute, 3 *Geo.* IV. *c.* 106. seems to be an amendment of 34 *Geo.* III. *c.* 61.

115.—*Bills of Exchange* should not be *drawn and accepted* on the SUNDAY in the way of a man's 'ordinary calling:' or they come under the prohibition of 29 *Car.* II. and cannot legally be recovered: yet a defendant is not at liberty to plead his own illegal act in defence. (*Bagbie* v. *Levi.* 1 C & J. 180.). If a *Bill of Exchange* become payable on SUNDAY, CHRISTMAS-DAY, GOOD-FRIDAY, or on a *Public Fast* or *Thanksgiving-Day*, the Bill is to be met on the day *preceding*, but be presented to the *acceptor* for payment on the day following; by 6 & 7 *Will.* IV. *c.* 58. thus:—

'If the day following the day on which such *Bill of Exchange* 'shall become due shall happen to be a SUNDAY, GOOD-FRIDAY, 'or CHRISTMAS-DAY, or a day appointed by His Majesty's '*Proclamation* for solemn *Fast* or of *Thanksgiving*, then it shall 'not be necessary that such Bill of Exchange shall be presented 'for payment, or be forwarded for such presentment for payment, 'to such *acceptors* or *acceptor* for honour, or *referees* or referee 'until the day following such SUNDAY, &c.'—*Sect.* 2. (See ROGERS' *Eccl. L.* 593).

Breach of the Peace. See '*Serving Process.*'

116.—*Butchers* following their 'Calling' on SUNDAY by killing or selling any victuals, are subject to a penalty of 6*s.* 8*d.*; the prosecution must be within *six months* :—

'If any *Butcher*, by himself or any other for him by his 'privity or consent, shall,.....*Kill* or *sell* any victual upon the 'said day, (SUNDAY) that then every such *Butcher* shall forfeit 'and lose for every such offence 6*s.* 8*d.*.....being done in view of 'any Justice, &c., or proved upon oath by *two* or *more witnesses*, 'or by the confession of the party.....to be levied by distress..... 'and be applied *one third* to the Informer, and *two thirds* to 'the Poor. The *Impeachment* to be *within six months* after the 'offence is committed.'—3 *Car.* I. *c.* 1 (2). *s.* 1. As this offence is not against the Common Law, the Indictment must be laid

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against the Form of the above statute. (*Rex* v. *Brotherton*, 1 Stra. 702; *Maria* v. *Hall*, 1 Taunt. 35.) BUTCHERS *travelling* on Sunday in the way of their 'calling' incur a Penalty of 20*s*. See under '*Drover*.'

117.—*Carriers* travelling on SUNDAYS with Horse, Cart, Van, or Waggon, are liable to a penalty of 20*s*.—

'No *Carrier* with any Horse or Horses, nor *Waggon-men* 'with any waggon or waggons, nor *Carman* with any cart or 'carts, nor *Wainman* with any wain or wains, nor *Drovers* with 'any Cattle, shall.....by themselves, or any other, *travel* upon 'the said day (SUNDAY), upon pain that every person and 'persons so offending shall lose and *forfeit* 20*s*. for every such 'offence.'—3 *Car*. I. *c*. 1 (2). *s*. 1: continued by 3 *Car*. I. *c*. 4 (5).* The conviction is to be within *six months* by one Justice; and be proved on view, or confession, or by two or more witnesses: and recovery of Penalty to be by distress: and *one third* given to the Informer, and *two-thirds* to the Poor. *Drivers of Vans* travelling on a SUNDAY are within the meaning of the statute. (Ex parte *Middleton*, 3 B & C. 164.). See '*Drovers*.'

118.—*Constable*.—No CONSTABLE shall be required to prefer presentments respecting Popish Recusants, Persons not attending a place of Public Worship, and other offences, by 7 & 8 *Geo*. IV. *c*. 38. See also '*Serving Process*.'

119.—*Contracts* in the exercise of a man's 'ordinary Calling,' if made on the SUNDAY, fall within the scope of the Act, 29 *Car*. II., and not only subject the parties making such contracts to a Penalty, but the contracts themselves are void. (*Drury* v. *Defontaine*, 1 Taunt. 131.). The Contract, however, must be *completed* on the SUNDAY to be amenable to the statute. Nor will an action lie on a contract by an *agent* if entered into on a SUNDAY. (*Bloxame* v. *Williams*, 5 D. & R. 82; 3 B & C. 232; *Smith* v. *Sparrow*, 4 Bing. 84; 2 C. & P. 544; 12 Moore, 272. See BURN's *Eccl. L.* Phil. ii. 422; ROGER's *E. L.* 588, 589; STEPHENS' *L. C.* 1283. 1288.)

120.—*Cooks'-shops, &c.* are exempt from the prohibitions of 29 *Car*. II. *c*. 7. by an especial clause, which runs thus:—

'Nothing in this Act contained shall extend to the prohibiting 'of *Dressing of Meat in Families*, or Dressing or selling of meat '*in Inns, Cooks'-shops*, or *Victualling-Houses*, for such as otherwise 'cannot be provided.'—*Sect*. 3. (*Rex* v. *Cox*, 2 Burr. 787.). This however was forbidden in the '*Injunctions*' of Edward VI., and of Elizabeth. (CARDWELL's *Doc. Ann*. i. 50. 194. 214.).

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* The Act 3 *Car*. *c*. 1. has been stated to be in force, imposing a penalty of 20*s*. on *Carriers*, and 6*s*. 8*d*. on *Butchers* for offences on the Lord's-Day, but this is not so: it was "to continue to the end of the first session of the next Parliament," and was not continued.—OKES' *Magisterial Synopsis*. A. D. 1858.

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121.—*Drovers*, travelling on the LORD'S-DAY, are subject to a penalty of 20*s*.—

'No *Drover*, Horse-courser, Waggoner, Butcher, Higgler, or 'any of their servants, shall travel or come into his or their 'inn or lodging upon the LORD'S-DAY or any part thereof, upon 'pain that each and every such offender shall forfeit 20*s*. for 'every such offence.'—*Proof* on view, confession, or by one witness, before one Justice; *one third* of the Penalty to the Informer, *two-thirds* to the Poor: to be recovered by Distress: in failure thereof, the offender to be put in the *stocks for* 2 *hours*.—29 *Car*. II. *c*. 7. *s*. 2.

122.—*Exposing to sale* any Goods, &c. the Goods to be forfeited. See '*Not to exercise one's Ordinary Calling*,' supra, *par*. 109.

123.—*Fairs*, and *Markets*, on SUNDAYS, and the principal *Feasts* of the Church, and GOOD-FRIDAY, are prohibited showing any Goods or Merchandizes (necessary victuals excepted) on pain of forfeiting the same: thus—

'All manner of *Fairs* and Markets on the said principal '*Feasts*, and SUNDAYS, and GOOD-FRIDAYS, shall clearly cease 'from all shewings of any Goods or Merchandizes (necessary 'victual only except) upon pain of *forfeiture* of all the Goods 'aforesaid, so shewed, to the Lord of the Franchise or liberty..... '(the four Sundays in Harvest except).'—27 *Hen*. VI. *c*. 5. *s*. 1. This statute does not invalidate the sale, although a *penalty* is inflicted on the party selling. GIBSON'S *Codex*, 275; *Comyns* v. *Boyer*, Cro. Eliz. 485. But the later statute 29 *Car*. II. *c*. 7. makes the sale *void*. (1 Tyrw. 130.).—See 10 & 11 *Vict*. *c*. 14.

Felony. See '*Serving Process*.'

124.—*Fish*.—By the Statute 10 & 11 *Will*. III. *c*. 24. it is *not prohibited* to import 'Anchovies, Sturgeon, Botargo, or Cavear, 'nor to *cry* or *sell Mackerel* before or after Divine Service on 'SUNDAYS.'—*Sect*. 14. And *Fish-Carriages*, for the supply of the London Markets, are allowed to pass on SUNDAYS and *Holy-Days*, whether laden or returning empty, by 2 *Geo*. III. *c*. 15. BURN'S *Ecc. L*. Phil. 414. *a*.

125.—*Game*.—Any one killing or taking *Game*, or using any instrument for that purpose on SUNDAY, or CHRISTMAS-DAY, is liable to a Penalty not exceeding £5. *and the costs*:—

'If any Person whatsoever shall kill or take any *Game*, or 'use any Dog, Gun, Net, or other engine or instrument for 'the purpose of killing or taking any *Game* on a SUNDAY or 'CHRISTMAS-DAY, such person shall on conviction thereof before 'two Justices.....*forfeit* not exceeding £5. together *with the costs* 'of the conviction.'—1 & 2 *Will*. IV. *c*. 32. *s*. 3. In default of payment, *imprisonment* with or without hard labour, for not exceeding two calendar months. (*s*. 38.). Information must be laid within three calendar months. (*s*. 41.). *Half* of *penalty* to Informer, and half to County Rate. 5 & 6 *Will*. IV. *c*. 20. *s*. 21.

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126.—*Hackney-Coachmen, &c.* are not only allowed to ply their vehicles on the SUNDAY, but may be compelled to do so:—

'It shall and may be lawful to and for any Licensed '*Hackney-Coachman*, or his Driver, or any *Chairman*, to ply and 'stand with their Coaches and Chairs and to drive and carry 'the same respectively, on the LORD'S-DAY.'—9 *Anne c.* 23. *s.* 20. This Act is amended by 1 & 2 *Will.* IV. *c.* 22. which adds, that the Proprietors or Drivers of *Hackney-Carriages* 'shall be liable and '*compellable* to do the like work on the LORD'S-DAY as.....on 'any other day of the week.'—*Sect.* 37.

Harvest Time excepted; see *postea.*

Higgler. See '*Drover.*'

127.—*Houses of Entertainment, &c.* opened on SUNDAY, to which admission is by payment of money, &c., will be held to be *disorderly Houses*, and the Keeper be liable to a penalty of £200., the President or Chairman to a penalty of £100., and the Door-Keeper or servant, who receives the money or tickets, to a penalty of £50.—

'Whereas certain *Houses*, *Rooms*, or *Places*.....have of late 'frequently been opened for public entertainment or amusement 'upon the Evening of the LORD'S-DAY; and at other Houses, 'Rooms, or Places.....*under pretence of enquiring into Religious* '*Doctrines, and explaining Texts of Holy Scripture*, debates 'have frequently been held on the Evening of the LORD'S-DAY, 'concerning divers Texts of Holy Scripture, by persons unlearned 'and incompetent to explain the same, to the corruption of good 'morals, and to the great encouragement of irreligion, and 'profaneness; be it enacted.....that any *House*, *Room*, or *other* '*Place*, which shall be opened or used for public Entertainment 'or Amusement, or for publicly *debating* on any subject 'whatsoever, upon any part of the LORD'S-DAY, called Sunday, 'and to which Persons shall be *admitted by the payment of* '*money*, or *by tickets* sold for money, shall be deemed a *disorderly* '*House* or Place; and the *Keeper* of such House, &c. shall forfeit '£200., for every day that such House, &c. shall be opened or 'used as aforesaid on the LORD'S-DAY, to such persons as will 'sue for the same, and be otherwise punishable as the Law 'directs in cases of disorderly Houses; and the person managing 'or conducting.....or acting as Master of the Ceremonies there, 'or as a moderator, *president*, or *Chairman*.....shall *forfeit* £100. 'to such person as will sue for the same; and every *door-keeper*, '*servant*, or other person, who shall collect or *receive money or* '*tickets* from persons assembling at such House, &c. or who 'shall *deliver out tickets* for admitting persons to such House, &c. 'shall *forfeit* £50. to such person as will sue for the same.'—

21 *Geo.* III. *c.* 49. *s.* 1. By *Section* 2, any person *acting as* Master or Mistress shall be deemed the *Keeper* of such House, &c.—And any *greater price* put upon the refreshments than what they are commonly charged at on other days, shall be *deemed as a money payment for* admission:—Or any number of *Subscribers* or *Contributors* to such entertainment, debating, &c., who may be thus entitled to *admission tickets*, such Houses, &c. shall be within

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the meaning of the Act.—By *Section* 3, the person *advertising* such assembling on the LORD'S-DAY, and those who *print* or *publish* such advertisements shall be liable to forfeit £50. for every offence to the person who will sue for the same.—By *Section* 4, the *Penalties* are recoverable in any Court at Westminster *with full costs*.—By *Section* 5, the action must be brought *within six-months* next after the offence is committed. See '*Beer Houses*,' '*Cooks'-shops*.'

Houses of Public Resort. See '*Ale and Beer Houses*.'

Markets. See '*Fair*.'

128.—*Milk* may be cried and sold on SUNDAYS *before* 9 *o'clock* A.M. and *after* 4 *o'clock* P.M., which is an exception allowed by 29 *Car.* II. *c.* 7. thus:—

'Nothing in this Act contained shall extend to the prohibition 'of.....the crying or selling of *Milk* before 9 *o'clock* in the 'morning or after 4 *o'clock* in the afternoon.'—*Sect.* 3.

129.—*Municipal Elections.*—The Elections of Officers of *Corporations* or of *Public Companies* falling upon a SUNDAY are to be held upon the *Saturday* preceding, or the *Monday* following.

'Every Meeting or Adjourned Meeting of any *Vestry*, '*Corporation*, or *Company*, and every other Meeting of a Public 'and Secular nature, which, according to any Act of Parliament, 'or according to any Charter, Grant, Constitution, Deed, 'Testament, Law, Prescription, or Usage whatsoever, is or shall 'be required to be held on any LORD'S-DAY, or *on any day* '*which shall happen to be on a* LORD'S-DAY, shall be held on 'the *Saturday* next preceding, or on the *Monday* next ensuing, 'at the like hour, with the like form and effect.....and every 'matter transacted at any such Meeting or adjourned Meeting 'held upon any LORD'S-DAY, shall be *absolutely void* and of none 'effect.'—3 & 4 *Will.* IV. *c.* 31. *s.* 1.

The Election of *Corporate Officers* falling on a SUNDAY is to be postponed to the *Monday* next following. 5 & 6 *Will.* IV. *c.* 76. *s.* 30.

130.—*Pawnbrokers*—carrying on trade on a SUNDAY, CHRISTMAS-DAY, GOOD-FRIDAY, or PUBLIC FAST or THANKSGIVING-DAY; *penalty* not less than 40*s.*, nor more than £10. (39 & 40 *Geo.* III. *c.* 99. *s.* 21.): to be levied by distress (*s.* 26.)—in default *imprisonment* for not exceeding three calendar months (11 & 12 *Vict.* *c.* 43. *s.* 22.).

131.—*Police Offices.*—Magistrates are exempt from attending at the *Metropolitan Police Offices* on SUNDAYS, CHRISTMAS-DAY, GOOD-FRIDAY, or any Public *Fast*, or *Thanksgiving-Day*, except in certain cases:—

'Provided always that *no such attendance* shall be given on 'SUNDAY, CHRISTMAS-DAY, GOOD-FRIDAY, or any Day appointed 'for a Public *Fast*, or *Thanksgiving*, unless in cases of urgent 'necessity, or when it shall be directed by such principal 'Secretary of State.'—3 & 4 *Will.* IV. *c.* 19. *s.* 2.

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132.—*Public Houses* in London not to be opened on SUNDAYS, CHRISTMAS-DAYS, and GOOD-FRIDAYS, before 1 o'clock P.M. except for refreshment for Travellers, under a *Penalty not exceeding £5.*, or *one month's imprisonment.*—

'No Licensed Victualler or other person shall *open his house* 'within the Metropolitan Police District for the sale of Wine, 'Spirits, Beer, or other fermented or distilled Liquors on 'SUNDAYS, CHRISTMAS-DAY, and GOOD-FRIDAY, before the hour 'of 1 *o'clock* P.M., except refreshment for Travellers.—2 & 3 *Vict. c.* 47. *s.* 42. Offenders against the Statute shall 'be liable to a '*Penalty* not more than *£5.*, or be *imprisoned* for any time *not* '*more than one calendar month*,' at the discretion of the Magistrates.—ib. *Sect.* 73. See '*Ale and Beer Houses.*'

Robbery on SUNDAY. See '*Travelling.*'

Route of Public Conveyances may be altered on SUNDAYS. See '*Stage Coaches.*'

Sale. See '*Contracts.*'

133.—*Serving Civil Process* is prohibited on the SUNDAY; yet contrivances are sometimes adopted, particularly to effect an Arrest; the means employed however must be legal, and not through the instrumentality of a Criminal Process. (*Wells* v. *Gurney*; 8 B & C. 769.). Thus:—

'No person or persons upon the LORD'S-DAY shall *serve* or '*execute*, or cause to be served or executed, any *Writ, Process*, '*Warrant, Order, Judgment*, or *Decree*, (except in cases of 'Treason, Felony, or Breach of the Peace); but that the Service 'of every such Writ, Process, &c., shall be void, to all intents 'and purposes whatsoever; and the person or persons so serving 'or executing the same shall be as liable to the suit of the party 'grieved, and to *answer damages* to him for doing thereof, as if 'he or they had done the same without any Writ, Process, &c.'—29 *Car.* II. *c.* 7. *s.* 6.

In fact, SUNDAY is in law a '*Dies Non*,' so that if a man be arrested upon a Civil Suit on a SUNDAY, he may be discharged out of custody by applying to the Courts of Law; but being once in lawful custody, if he escapes without the privity of the Sheriff he may be *retaken* at any time. BURN'S *E. L.* Phil. ii. 420. See '*Arrest.*'

——— *Criminal Process.*—Any warrant may, by the above Statute, be executed on the SUNDAY in respect of *Treason, Felony*, or a *Breach of the Peace*; and likewise *Escape Warrants*, by 1 *Anne* St. II. *c.* 6; and 5 *Anne, c.* 9. A Magistrate's warrant to a Constable to take a man in order to his finding sureties for his good behaviour and to keep the peace, comes within the exception allowed in 29 *Car.* II. *c.* 7. and may be executed on a SUNDAY. (*Johnson* v. *Colston*, Raym. Sir T. 250.) See '*Warrants.*' The Statute of *Anne*, 'For the better preventing Escapes out of the Queen's Bench and Fleet Prisons,' enacts —'that it is and shall be 'lawful to apprehend and take upon the LORD'S-DAY, any person

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'or persons by virtue of any warrant or warrants granted in pur-
'suance of this or of the said former act, (1 *Anne* St. II. *c.* 6).'—
5 *Anne c.* 9. *s.* 3. (*Sir Wm. Moore's case.* 2 Raym. Ld. 1028.). So a party who has wrongfully escaped may be *retaken* on the SUNDAY without a warrant (*Atkinson* v. *Jameson.* 5. T. R. 25.). ROGERS' *Eccl. L.* 592.

—— *Ecclesiastical Processes*, such as *Citations*, and *Excommunications* are not affected by the Statute 29 *Car.* II. *c.* 7. *Chief Justice* HOLT says—'If the Ecclesiastical Law was and 'had always been to serve this process on a SUNDAY (in which 'respect it was different from temporal process, which may be as 'well served on any other day), that then it did not seem to be the 'intent of this Statute to take away the serving it in that manner, 'which is only meant of processes that may as well be executed at 'any other time.'—(BURN's *Eccl. Law.* Phil. ii. 420. GIBSON's *Cod.* 240; 271; *Alanson* v. *Brookbank* Carth. 504; 5 Mod. 449; 12. *ib.* 275; 2 Salk. 625.).

134.—*Sports, &c.*—Persons are not allowed to assemble *out of their own* Parishes on the SUNDAY for any Sport, Pastime, Boxing-Match, &c., nor within their own Parishes, under *penalty of* 3*s.* 4*d.* for every offence, to be given to the Poor. In *Default*, the offender to be put in the *Stocks for* 3 *hours* :—

'Be it enacted.....there shall be no Meetings, Assemblies, or 'Concourse of People *out of their own Parishes* on the LORD'S-'DAY, within this Realm of England or any of the Dominions 'thereof, for any *Sports* and *Pastimes* whatsoever, nor any 'Bear-baiting, Bull-baiting, Interludes, Common Plays, or other 'unlawful exercises and Pastimes used by any Person or Persons '*within their own Parishes*; and that every Person or Persons 'offending in any of the premises, shall forfeit for every offence '3*s.* 4*d.* to the use of the Poor.....upon view of one Justice, or 'confession of the party, or proof of one or more witnesses..... 'to be levied by distress: and in default of such distress, that the 'party offending be set publicly in the *Stocks for* 3 *hours*.....the 'Prosecution to be *within one month after* the offence committed. '.....The *Ecclesiastical jurisdiction* not to be abridged by this 'Act.'—1 *Car.* I. *c.* 1. *s.* 1.; (29 *Car.* II. *c.* 7.).

135.—*Stage Coaches, Omnibuses, &c.* are not within the Statutes 3 *Car.* I. *c.* 1. (2); 29 *Car.* II. *c.* 7. and may therefore run on SUNDAYS, and can be compelled to take their Passengers. (*Sandiman* v. *Breach*, 7 B & C. 96.). But in LONDON to prevent interruption of the performance of 'Divine Service,' their *Route* may be altered.

'On the applications of the *Minister* or *Churchwardens* of any 'Church, Chapel, or other place of Public Worship, to the Court 'of Aldermen of the City of London....., or to any two of the 'Justices.....of the said Police Offices, which shall be in the 'vicinity of the said Church, &c.....it shall be lawful for the 'Court of Aldermen, or for such two Justices, as the case may be, 'to make Rules or Orders for regulating the *Route* and conduct 'of Persons who shall drive any *stage carriage*, or who shall 'drive any *cattle*, *sheep*, *pigs*, or *other animals* within such Parish

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'or place during the hours of Divine Service, on SUNDAY, 'CHRISTMAS-DAY, GOOD-FRIDAY, or any other Day appointed 'for a Public *Fast* or *Thanksgiving*, and to annex reasonable '*Penalties* for the breach of such Rules or Orders, not exceeding '40s., *with costs*, if ordered, for any such offence.....in *default of* '*payment*.....to be imprisoned for any term not exceeding *one* '*month*.....and the party offending may be apprehended, without 'any warrant, by any constable.....Provided that such *Rules* and '*orders* shall have been *printed* and *affixed* on the Church, 'Chapel, or place of Public Worship to which the same shall 'refer, and in the most *conspicuous places leading to*, and con-'tiguous thereto, and *elsewhere*, as the said Court of Aldermen, 'or the said Justices shall direct.'—3 & 4 *Will.* IV. *c.* 19. *s.* 26. A similar power is lodged in the Commissioners of Police in the *Metropolitan Police District* by 2 & 3 *Vict. c.* 47. *s.* 51. But offenders against *this Act* are liable to *Penalties* not exceeding £5, or *imprisonment* for any time not more than *one Calendar month.*—*Sect.* 73.

136.—*Travelling.*—'For the better observation and keeping holy the LORD'S-DAY, commonly called SUNDAY,' as the statute of 29 *Car.* II. *c.* 7. commences, it is enacted, among the things already mentioned:—

'That if any Person or Persons whatsoever *which shall travel* '*upon the* LORD'S-DAY, shall be then *robbed*, that no Hundred or 'the inhabitants thereof, shall be charged with or answerable for 'any *robbery* so committed, but the person or persons so *robbed* 'shall be *barred from bringing an action* for the said robbery..... 'nevertheless, the Inhabitants of the Counties and Hundreds '(after notice of any such robbery to them or some of them 'given, or after Hue and Cry for the same to be brought) 'shall make or cause to be made fresh suit and pursuit after the 'offenders.....upon pain of *forfeiting*.....as much money as might 'have been recovered against the Hundred by the party robbed, 'if this law had not been made:'—By *Section* 5. A person *robbed on his way to Church* does not come under the denomination of a '*person travelling*,' and can therefore make claim upon the Hundred (*Tashmaker* v. *Edmonton*) (Hund. of 1 Com. Rep. 345.; Strs. 405. See *Waite* v. *Stoke.* Cro. Jac. 496.) See '*Carriers*.' '*Drovers*.'

Waggoner. See under '*Drover*.'

137.—*Warrants*, &c.—A justice may grant or issue a Warrant against any person charged before him with any *Treason Felony*, or indictable *Misdemeanour*, or any indictable Offence whatsoever, or any *Search-Warrant* on a SUNDAY 'as well as on 'any other Day.'—11 & 12 *Vict. c.* 42. *s.* 4. (ROGERS' *Eccl. L.* 593). The charge may, therefore, be preferred, and an information in writing, and an oath taken on that day. The *Search-Warrant* granted on a SUNDAY by the above statute must be executed in the day-time, if there be probable suspicion only; but where there is positive proof, it may be executed in the night-time; and may, it is conceived, be executed an a *Sunday*. It may certainly be executed on a Sunday, if it be to apprehend for treason, felony, or a breach of the peace (see 21 *Car.* II. *c* 7. *s.* 6); and the words

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"*breach of the peace*" have been holden to include all offences which are impliedly against the peace, as a warrant to find sureties for good behaviour (*Johnson* v. *Colstan*. T. Raym. 250.), but not to a *Warrant of commitment* under a Justice's order or conviction. (*R.* v. *Myers*. 1 T. R. 265). OKE'S *Magisterial Synopsis*. 6th edit. A. D. 1858. *p*. 605. 615. See '*Serving Process*.'

138.—*Watermen*, and *Bargemen*, are not allowed to exercise their 'calling' on SUNDAY, under Penalty of *5s*.

'No Person or Persons shall use, employ, or travel, upon the 'LORD'S-DAY with any *Boat*, *Wherry*, *Lighter*, or *Barge*, except 'it be upon extraordinary occasions to be allowed by some 'Justice of the Peace.....upon pain that every person so offend-'ing shall *forfeit 5s*. for every such offence.....upon view of one 'Justice, confession of the party, or proof of any one or more 'witnesses.....to be levied by Distress.....in default to be put in 'the *stocks for* 2 *hours*. A *third part* to the Informer, and *two* '*thirds* to the Poor.'—29 *Car*. II. *c*. 7. *s*. 2.

Watermen on the Thames are to a certain exetnt excepted:—'The Rulers and Overseers, Auditors and Assistants of the 'Society and *Company of Watermen* of the River *Thames*, may 'appoint any number of Watermen *not exceeding* 40, to ply and 'work on every LORD'S-DAY between Vauxhall and the Lime-'house, for the carrying of Passengers at 1*d*. *each person*; the 'same to be applied (after paying thereout to such persons for 'their day's labour so much as shall be agreed on) to the use of 'the poor, aged, decayed, and maimed Watermen and Lightermen 'of the said Society and their Widows.'—11 & 12 *Will*. III. *c*. 21. *s*. 18.

FESTIVALS, and FASTS.

The Festivals.

139.—The HOLY-DAYS are appointed by the Statute 5 & 6 *Edw*. VI. *c*. 3; and by the *Rubrical* 'TABLES and RULES' following the '*Calendar*' in the LITURGY; which were revised and confirmed by 24 *Geo*. II. *c*. 23.*: they cannot therefore be capriciously selected, nor only occasionally observed, without deviating from *legally prescribed Order*. *Canon* 13, also enforces their due observance. Yet CUSTOM has in a great measure set aside their general observance, particularly in small country towns, and villages. In these, CHRISTMAS-DAY is perhaps the only *Festival*

* The 24 *Geo*. II. is '*The Act for Regulating the Commencement of the year, and correcting the Calendar now in use*.' A. D. 1571.

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recognized by any religious service; and ASH-WEDNESDAY, and GOOD-FRIDAY, the only known and acknowledged *Fasts*. Of *Saints' Days*, and *Eves* or *Vigils*, rural parishes are for the most part perfectly ignorant: indeed, the keeping of *Vigils* is scarcely known even in our most important Towns, and Cities. How far therefore it may be desirable to revive their observance, is a question that demands the most serious consideration. On this point it would be well to peruse the various opinions respecting the '*Daily Service*,' quoted in *par.* 92, as they touch also upon these under discussion. (See also *postea*).

140.—By STATUTE:—By *Section* 1 of the Statute, 5 & 6 *Edw.* VI. *c.* 3.,—'It is enacted that all the *Days* hereafter 'mentioned shall be kept, and commanded to be kept, HOLY-'DAYS, and *none other*, that is to say:'—

All SUNDAYS.*

NATIVITY of our Lord (Dec. 25). E.
CIRCUMCISION of our Lord (Jan. 1.)
EPIPHANY. (Jan. 6.)
ASCENSION of our Lord (*Mov.*) E.

Annunciation of *Virgin Mary*. (Mar. 25.) E.
Purification of *Virgin Mary*. (Feb. 2.) E.

Holy Innocents. (Dec. 28).

Monday } in *Easter-week*.
Tuesday }
Monday } in *Whitsun-week*.
Tuesday }

S. *Andrew*. Ap. (Nov. 30). E.
(S. Barnabas. 1662) (June 11.)
S. *Bartholomew*. Ap. (Aug. 24.) E.
S. *James*. Ap. (July 25.) E.
S. *John*. Ev. (Dec. 27.)
S. *John* Bap. (June 24.) E.
S. *Luke*. Ev. (Oct. 18.)
S. *Mark*. Ev. (April 25.)
S. *Matthew*. Ev. (Sep. 21.) E.
S. *Matthias*. Ap. (Feb. 24.) E.
S. *Michael*, and *All Angels*. (Sep. 29.)
(S. Paul's Conversion. 1662.) (Jan. 25.)
S. *Peter*. Ap. (June 29.) E.
S. *Philip*, and St *James*. Aps. (May 1.)
S. *Simon*, and St *Jude*. Aps. (Oct. 28.) E.
S. *Stephen*. Mart. (Dec. 26.)
S. *Thomas*. Ap. (Dec. 21.) E.
All Saints. (Nov. 1.) E.

*** The names of *St Paul*, and *St Barnabas*, are omitted in the Statute, from those holy men not being considered in the number of the Twelve Apostles. At the *Last Review* of the LITURGY (1662),

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* The *Alphabetical arrangement*, and the annexed *Dates*, are by the Author. The Letter, E, indicates that the *Evens* preceding the Days to which it is annexed are *Fasts*.

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however, their names were introduced in the *Rubrical* TABLE appointing the 'PROPER LESSONS for HOLY-DAYS,' and in the one enumerating the *Feast-Days*, and *Days of Fasting*.

141.—By CANON:—*Canon* 13 thus enjoins:—'All manner of 'persons within the Church of England shall from henceforth 'celebrate and keep the *Lord's-Day*, commonly called *Sunday*, and '*other Holy-Days*, according to God's holy will and pleasure, and 'the orders of the Church of England prescribed in that behalf; 'i. e. in hearing the Word of God read and taught; in private and '*public prayers*; in acknowledging their offences to God, and 'amendment of the same; in reconciling themselves charitably 'to their neighbours, where displeasure hath been; in oftentimes 'receiving the Communion of the body and blood of Christ; in 'visiting of the Poor and Sick; using all godly and sober 'conversation.'—*Due celebration of Sundays and Holy-Days.*

The Moveable Feasts.

142.—The *Moveable Feasts* are dependent upon the falling of EASTER-DAY. The 'TABLES AND RULES' in the LITURGY by which they are determined, were revised and enforced by 24 *Geo.* II. *c.* 23. and are consequently the law of the land:—

'Whereas a 'CALENDAR,' and also certain 'TABLES and 'RULES' for the fixing the true time of the celebration of the 'said Feast of *Easter*, and the finding the times of the full moons 'on which the same dependeth, so as the same shall agree as 'nearly as may be with the decree of the said General Council '(*of Nice*), and also with the practice of foreign countries, have 'been prepared, and are hereunto annexed.....and after the said '2nd day of September (1752), all and every the fixed *Feast-'Days*, *Holy-Days*, and *Fast-Days*, which are now kept and 'observed by the Church of England, and also the several solemn 'Days of Thanksgiving, and of Fasting and Humiliation, which 'by virtue of any Act of Parliament now in being, are from time 'to time, to be kept and observed, shall be kept and observed on 'the respective days marked for the celebration of the same in 'the said new CALENDAR.....The said *Feast of* EASTER, and all 'other *Moveable Feasts* thereon depending, shall, from time to 'time, be observed and celebrated according to the said new 'CALENDAR, TABLES, and RULES hereunto annexed, in that 'part of Great Britain called England, and in all the dominions 'and countries aforesaid, wherein the LITURGY of the Church of 'England now is, or hereafter shall be, used.'—*Sect.* 8.

143.—In the *Appendix* to this Act is the following TABLE of the '*Moveable Feasts*,' confirmatory of the one introduced into the LITURGY in 1662:—

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¶. ADVENT SUNDAY is the nearest Sunday to *St Andrew's Day* (Nov. 30th), and always *within* three days before, or after it.

SEPTUAGESIMA	*Sunday*	is 9 weeks	*before* EASTER.
SEXAGESIMA	.....	is 8 weeks	
QUINQUAGESIMA	.....	is 7 weeks	
QUADRAGESIMA	.....	is 6 weeks	

EASTER-DAY is always the *first Sunday* following the Full-Moon which happens upon or next after *March* 21st; but not on the day of the Full Moon. EASTER-DAY always falls between *March* 21st, and *April* 25th.

ROGATION	*Sunday*	is 5 weeks	*after* EASTER.
ASCENSION-DAY	.....	is 40 days	
WHITSUNDAY	.....	is 7 weeks	
TRINITY	*Sunday*.....	is 8 weeks	

The Fast-Days.

144.—The *Fast-Days* are appointed by 5 & 6 *Edw.* VI. *c.* 3. *s.* 2; (A. D. 1552.) which enacts 'that 'every EVEN or DAY *next going before* any of the aforesaid days of 'the Feasts of the *Nativity of Our Lord*, &c. (specified below)..... 'other than of *St John* the Evangelist, and *Philip and James*, 'shall be *fasted*, and commanded to be kept and observed; and '*none other* EVEN or DAY shall be commanded to be fasted.'

This also is confirmed and enforced by the *Rubrical* TABLES in the LITURGY, amended by 24 *Geo.* II. *c.* 23. The Fast-Days are the following:—

Eve of CHRISTMAS-DAY, (Dec. 25.)	*Eve* of *S. James* (July 25.)
—— EASTER-DAY.	—— *S. John*, Baptist. (June 24.)
—— ASCENSION-DAY.	—— *S. Matthew* (Sep. 21.)
—— WHITSUNDAY.	—— *S. Matthias* (Feb. 24.)
—— Annunciation of *Virgin Mary* (Mar. 25.)	—— *S. Peter* (June 29.)
—— Purification of *Virgin Mary* (Feb. 2.)	—— *S. Simon*, & *S. Jude* (Oct. 28.)
—— *S. Andrew* (Nov. 30.)	—— *S. Thomas* (Dec. 21.)
—— *S. Bartholomew* (Aug. 24.)	—— All Saints (Nov. 1.)

145.—These *Eves* or *Vigils* are not to be kept on SUNDAYS.—'When any of the said FEASTS (the *Evens* whereof be by 'this Statute, 5 & 6 *Edw.* VI., commanded to be observed and kept '*Fasting-Days*) do fall upon the *Monday*, then the *Saturday* next 'before, and *not the Sunday*, shall be commanded to be *fasted* 'for the *Even* of any such Feast or Holy-Day.'—5 & 6 *Edw.* VI. *c.* 3. *s.* 5 (See under the *First Collect* in the 'EVENING SERVICE.' *postea.*)

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Similarly in the later RUBRIC, which runs thus:—

¶. 'NOTE, *that if any of these Feast-Days fall upon a 'Monday, then the Vigil or Fast-Day shall be kept upon 'the Saturday, and not upon the Sunday next before it.'* —(1662).

*** EVES or VIGILS *omitted.*—Those *Feast-Days*, which fall during seasons of rejoicing have on that account no *Eves* of Fasting assigned them (*Ascension Day* excepted, the *Eve* of which is one of the *Rogation Days*). They are

Between Christmas, and Purification of Virgin Mary.	*Between Easter and Whitsuntide.*
Circumcision (Jan. 1.)	*S. Barnabas* (June. 11.)
Holy Innocents (Dec. 28.)	*S. Mark* (Apr. 25.)
S. John, Ev. (Dec. 27.)	*S. Philip*, and *S. James* (May 1.)
S. Paul's Conversion (Jan. 25.)	
S. Stephen (Dec. 26.)	

St Luke's Day (Oct. 18.), is also omitted, from having been formerly preceded by a Feast-Day (*St Etheldred's*) now removed.

St Michael and All Angels (Sep. 29), has no *Eve* or *Vigil* prescribed, from this Feast-Day commemorating those created beings who passed through no previous life of suffering.—(WHEATLY *Com. Prayer*, 190.)

146.—Among the Feast Days having no Vigils assigned to them is the *Circumcision of Our Lord*, on January 1*st;* the modern practice, therefore, of keeping the *Vigil* or *Eve* of '*New Year's Day*' with Divine Service and Holy Communion is a deviation from the Rubric, contrary to the Statute Law just quoted, (5 & 6 *Edw.* VI. *c.* 3; 24 *Geo.* II. *c.* 23.), and a departure from long established custom. (See also CANON 72. and under First Collect in EVENING PRAYER, Vol. **F**. *postea.*)

147.—Unless a distinction is admitted between a *Vigil* and an *Eve* it would be difficult to reconcile the growing usage of celebrating all Eves of Saints' days. *Mr. Pollen* in his "Narrative of Five Years at St Saviour's, Leeds," writes:—'The *Parish Church of* '*Leeds* celebrated the Eucharist at midnight on the 'Eve of the *Circumcision*, which is "New Year's Day." (*p.* 103.) So that *Dr. Hook*, the Vicar of that Parish, defends the usage. Touching the difference between *Eves* and *Vigils* which some extreme Ritualists maintain, we may quote the following:—

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The REV. J. PURCHAS writes:—'The day before a Festival, if '*fasted* is called its *Vigil*, if *unfasted* its *Eve*. If a Festival which 'has a Vigil fall on Monday, Saturday is the *Vigil*, Sunday the *Eve*. 'The Church never fasts on the Lord's Day. An *Eve* is not a fast.' (*p* 80).—*Directorium Anglicanum.*

Other Days of Fasting or Abstinence.

148.—These are appointed in the RUBRIC, as follows:—

¶. 1. 'The *Forty Days* in Lent (*Sundays* not included)*

2. 'The EMBER-DAYS at the four Seasons, being the

'*Wednesday*. '*Friday*. '*Saturday*.	after	1*st Sunday* in LENT. *Whitsunday*. *September* 14*th*. *December* 13*th*.

3. 'The *three* ROGATION-DAYS, being the *Monday*, *Tuesday*, 'and *Wednesday* before ASCENSION-DAY (*Holy* '*Thursday*).

4. 'All FRIDAYS (except *Christmas-Day*).—(1662).

Of these, however, the general practice of modern times, particularly among the *Laity*, has recognized but the *two* following *fasts*:—

Ash-Wednesday, *Good-Friday*,

and such others as may be appointed by authority to be kept as *Public Fast*, and *Thanksgiving Days*.

149.—Still, the observance of the FEASTS, and FASTING-DAYS, is enjoined not only in the RUBRIC, but Ecclesiastical censures are imposed for neglecting them by the Statute, 5 & 6 *Edw.* VI. *c.* 3. above quoted: thus—

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* In the AMERICAN LITURGY,—which is a modern *Revision* of the English '*Book of Common Prayer*,' made in a general Convention of the Bishops, Clergy, and Laity of the Protestant Episcopal Church of the United States of America, *Oct.* 16*th*, 1789, soon after the Declaration of Independence (1776—84),—this 'TABLE' is headed thus:—

'A TABLE OF FASTS.

'*Ash-Wednesday*. | *Good-Friday*.

OTHER DAYS OF FASTING,

'On which the Church requires such a measure of abstinence as is 'more especially suited to extraordinary acts 'and exercises of devotion,

'I. *The Forty-Days of Lent*.' &c. &c. &c.

(DR. WAINWRIGHT'S Edition, *New York*, 1845.)

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'It shall be lawful to all Archbishops and Bishops in their 'Dioceses, and to all other having Ecclesiastical or Spiritual 'jurisdiction, to inquire of every person that *shall offend* 'in the premises, and to punish every such offender by the '*censures* of the Church, and to enjoin them such *penance* 'as the spiritual judge by his discretion shall think meet 'and convenient.'—*Sect.* 3. The next *Section* (§ 4.) provides that this Act shall not extend to abrogate *abstinence from flesh* in Lent, or on Fridays, and Saturdays, or any other day appointed so to be kept by 2 & 3 *Edw.* VI. *c.* 19. (but this Act, 2 & 3 *Edw.* VI. is now *expired*). See also the Injunctions of *Edward*, and *Elizabeth* (CARDWELL'S *Doc. Ann.* i. 13, 115); and 13 & 14 *Car.* II. *c.* 4. *s.* 2. *page* 335.

Harvest time, &c. excepted.—It is lawful to any person 'upon the Holy-Days aforesaid in *Harvest*, or *at any other* '*time of the year when necessity shall require*, to labour, ride, 'fish, or work any kind of work, at their free wills and plea-'sure.'—5 & 6 *Edw.* VI. *c.* 3. *s.* 6. The following *Section* (§ 7.) allows the keeping of the *Feast of St George* on April 22—24. This Act was *repealed* on the accession of MARY, but revived in the first year of James I. by (2 (1) *Jas.* I. *c.* 25.). Similar indulgence had been permitted in certain 'Injunctions' of HENRY VIII.; as well as by *Convocation* in 1536. (Bp. COSINS *in Add. Notes to* Nicholl's C. P. *p.* 15.). EDWARD, and ELIZABETH also, in their 'Injunctions' allowed *Harvest work* to be done on HOLY-DAYS after the 'Morning Prayer.' (CARDWELL'S *Doc. Ann.* i. 16, 46, 188).

Term time is also in some cases excepted.—The observance of the HOLY-DAYS enjoined by 5 & 6 *Edw.* VI. *c.* 3. is not required during *Term time* in the Courts of Law, and in the several Offices in connection therewith, except SUNDAY, CHRISTMAS-DAY, and *three following days*, and EASTER *Monday*, and *Tuesday*: by 3 & 4 *Will.* IV. *c.* 42. *s.* 43.

150.—*No other* FAST-DAYS are *allowed* than such as are prescribed by *lawful* authority. In cases of Parishes or Districts suffering under alarming visitations of Cholera, Fever, or other calamity, it is not in the power of the Clergyman to institute a *public fast* without the sanction of the Bishop; as we find enjoined in the CANON: thus,—

'No Minister shall, *without the Licence and direction of the* '*Bishop* of the Diocese first obtained, and had, under hand and 'seal, appoint or keep any solemn FASTS, either publicly or in 'any private houses, other than such as by *Law* are, or by *public* '*authority* shall be, appointed, nor shall he wittingly be present 'at any of them; under pain of *Suspension* for the First fault, 'of *Excommunication* for the Second, and of *Deposition* from the 'Ministry for the Third.'—CANON 72.

151.—The great feature of modern times, however, has been rather a laxity in the observance of

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HOLY-DAYS than any supererogant or extreme attention to the requirements of the Liturgy in this respect. In censure of this negligence we may quote the following opinions in addition to what have been already advanced (in *pars.* 108—138.)

The BISHOP OF LONDON (*Dr. Blomfield*), on the subject of the *Festivals* and *Fasts*, remarks:—'I desire more particularly 'to call your attention to the duty incumbent upon you, of 'celebrating 'Divine Service' upon each of the days, on which 'we commemorate the leading events in the history of our blessed 'Lord; not only His *Nativity*, *Crucifixion*, and *Resurrection;* but 'His *Circumcision*, His *Manifestation to the Gentiles*, and His 'glorious *Ascension*. It is my wish, that in obedience to the 'Church's directions, you should celebrate Public Worship on all 'the Anniversaries of those events; on every day in *Passion* '*Week*, upon the *Mondays* and *Tuesdays after Easter-Day*, and '*Whitsunday*, and upon *Ash-Wednesday*. By specifying these 'particular days, I do not mean to insinuate, that the other 'Festivals and the Fasts of our Church are not also to be duly 'kept; but if any distinction is made, those observances, which 'are appointed in honour of our blessed LORD Himself, and the 'solemn commencement of our great penitential Fast, are entitled 'to peculiar respect. The reason which is commonly assigned 'for the non-observance of some of these Holy-Days, namely, that 'the people will not go to Church even if we celebrate Divine 'Service, I consider not to be of such weight as to preponderate 'against the plain requirements of the law.'—The Bishop then animadverts upon the people's neglect in this particular, and adds:—'It must needs take some time to overcome that habit; 'but the Clergy must be the first to attempt it, and they are 'not to be blamed for making the attempt. Let them do *their* part 'in carrying out the Church's intentions, and then none of the 'Laity will have cause to complain of being deprived, by their 'means, of any of the opportunities and privileges to which all her 'children are entitled.' (*p.* 32.)—*Charge*, 1842.

The REV. J. SANDFORD says:—'Many of these days have 'fallen into general neglect, so that though they still retain their 'place in the Calendar, and special Services for them may be 'found in the Prayer Book, in most Parishes they are wholly 'overlooked.....With what grace do we ask our people to meet 'us at the *Wednesday* or *Thursday Lecture*, when we keep the 'doors of the Sanctuary shut on the Festivals appointed by the 'Rubric. In favour of the one we can plead solely our own 'judgment and pleasure; in support of the other, we have the 'sanction of wisdom and authority, which we all profess to revere. 'It surely becomes us, without delay, to resume the Services, 'which we have, many of us, so long slightingly observed, or wholly 'neglected.' (*p.* 254, 256.)—*Parochialia.*

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Lent.

152.—With respect to the '*Forty Days in Lent*,' the *Rubrical* directions in the LITURGY imposing the religious Services of this season are few and indeterminate. For the '*First Day of Lent*,' commonly called ASH-WEDNESDAY, there are appointed 'Proper Psalms,' (six of the penitential Psalms of David, the seventh being used in the *Commination Office*) an especial Collect, Epistle and Gospel, and the 'COMMINATION SERVICE.' To the Collect is appended the following *Rubric*:—

¶. '*This* COLLECT *is to be read every day in Lent after the 'Collect appointed for the Day.'*—(1662.)

which has been thought by some of those, who deny that '*Daily Service*' is prescribed by the Liturgy, that it is required at all events during this season.

It may be also added, that for every day of *Passion-Week* certain Epistles and Gospels are supplied; and particular 'LESSONS' directed for the Wednesday, Thursday, *Good-Friday*, and the Saturday (*Easter-Even*). 'Proper Psalms' and Collects are also appointed for *Good-Friday*, and a specific Collect, &c., for *Easter-Even*.

153.—These are the only requirements of the Prayer Book: they are *legally binding* upon the Clergy; and although not universally practised, yet they *could be* authoritatively enforced by the Bishop of the Diocese. In those Churches where '*Daily Service*' is performed, the strict observance of the *Lent* season will necessarily be maintained, and perhaps enhanced by some additional 'Duty;' such as an 'Evening Service,' or extra Sermon, or *weekly*, and even in a few instances *daily*, *Communion*. Where *Wednesdays* and *Fridays* only, or some other Week-day, are ordinarily observed, there will also be afforded probably some additional opportunities for Public Prayer. In the case of Parishes wherein Service on the Week-day is not the usage, Public Worship is

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generally performed on the *Wednesdays* and *Fridays* during LENT, and daily in *Passion-Week*. In some instances only ASH-WEDNESDAY, and GOOD-FRIDAY are observed. In others, only GOOD-FRIDAY. The two latter examples naturally lead to the inquiry—Do these practices fulfil the intention of the Liturgy, and come up to the requirements of the *Declaration* and *Subscription* of Conformity? This requires from us no comment after what has been said by the BP. OF LONDON in *par.* 92.

154.—The fast of *Lent* from '*Lencten*' or '*Lenuten*' the Saxon for '*spring time*,' and so called from the days lengthening, is of very great antiquity as a preparation for the solemnities of Easter. It was at first but of 40 *hours* duration commemorative of the crucifixion, time from Friday noon to the period of Christ's resurrection. In the 5th century other days were added till it extended to *six weeks* minus the Sundays. In the 8th century, Ash-Wednesday and the three next days were annexed by Gregory II., when it became the *Quadragesimal* fast of 40 days; analagous to the periods of fasting we read of in Scripture. The season of Lent was chiefly occupied in preparing Catechumens, and Penitents, and the Communicants for the Easter administration. (BINGHAM'S *Christian Antiq.* xxi. r. 11—13.).

155.—With respect to '*Fasting*,' no rule is, or can be laid down for its regulation: the old Statutes enjoining it have either expired, or been repealed*; so that it is now a *voluntary* act: yet the mention of Fasting in the LITURGY imposes on all members of the Church of England a certain measure of abstinence from meats and drinks, and a denial to some extent of worldly pleasures and pursuits, which would naturally induce a more ordinary attention to religious duties. The degree of abstinence and self denial, therefore, must,

* These are 2 & 3 *Edw.* VI. *c.* 19; 5 *Eliz.* *c.* 5. *s.* 15; 27 *Eliz.* *c.* 11; 35 *Eliz.* *c.* 7. *ss.* 8. 22.

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depend upon the individual sense entertained for these Christian seasons, and upon the appreciation of the advantages resulting from such devotional exercises. We can, however, give some idea of what extreme views require :—

The REV. J. PURCHAS says: —'The distinction between '(1) *fasting* and (2) *abstinence*, requires, the first—abstaining 'from food, or diminishing the amount of it; the second—laying 'aside the more nourishing *kinds* of it, i. e. all flesh meats. *Lent*, '*Vigils*, and *Rogation days*, are of the former, *Fridays* of the latter 'class.' (*p.* 84.)—*Directorium Anglicanum.*

The REV. J. H. POLLEN remarks: —'For *Lent*, a *dietary* rule 'was established, and one member of the Society stood and read 'a portion of the lives of the saints while dinner was eaten in 'silence. After a time a second relieved him, and he ate. On '*Sundays*, this rule was dispensed with and talking allowed; silence 'was kept at breakfast, except during festival seasons. Meat 'was allowed on *Sundays*, *Tuesdays*, and *Thursdays* except during 'the *Holy week*. Butter was allowed at tea. On *Wednesdays* and '*Fridays*, a piece of bread at breakfast time with coffee without 'milk or sugar, and tea at the usual time. This rule did not apply 'to the lads educating for Pupil teachers, nor to those in weak 'health. It was relaxed, in part, in subsequent *Lents*, as *being* '*too severe*. The youngest of the Clergy had to be ordered 'afterwards to eat meat daily, and some for supper, but no orders 'could induce him to do this on *Fridays* or *Fast* days.' (*p.* 82.)—*Five years at St Saviour's, Leeds.*

In the *Clergyman's Diary* RULES FOR FASTING are thus laid down:—

'1. Neither in *abstinence* nor in *fasting* may we eat flesh-meat.

'2. On Fast-days, moreover, we should eat only one full meal, 'and one half meal.

'If persons find difficulty in observing these rules they should 'apply to their Parish Priest, or other proper authority; and on 'just cause they may obtain a relaxation.

'The aged, the very young, the very poor, invalids, they who 'have to labour very hard for their daily bread, and travellers, are 'excused from *fasting*, but they should *abstain*.

'With fasting we should join self-denial of all kinds, prayer, 'alms-giving, and other works of mercy.'—*Diary* for 1859, *p.* 8.

The Ember Days.

156.—The WEDNESDAY, FRIDAY, and SATURDAY following the

1*st Sunday in Lent.*	*September* 14*th.*
Whitsunday.	*December* 13*th.*

being, as before observed, the EMBER-DAYS, the *Weeks* in which they occur are termed the *Ember-Weeks*, or

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'Fasts of the Four Seasons,' (*Jejunia quatuor temporum*); intended as a solemn consecration of the four seasons of the year by prayer and fasting; and, therefore, fit and opportune times for the admission of Clerks into Holy Orders: not that they were originally designed for this purpose. Pope *Gelasius* was the first to choose these occasions, A. D. 493; although some attribute it to *Gregory* VII. about A. D. 1080. *December* was at first the chief period for Ordinations; *Mid-lent* was subsequently added; then *May* by Pope *Leo* II,; next *September* by *Gregory* I.

157.—The *Ember-Days*, therefore, return at the quarterly periods prescribed by CANON 31, for the *Ordination of Ministers*. (See 'ORDINATION SERVICE' *postea*). Their observance is not only implied by their being enumerated in the '*Table*' of Fasts; but it is also enjoined inferentially in the RUBRIC preceding two of the 'Occasional Prayers' in the Liturgy, which are appointed to be said, not on the *three* EMBER-DAYS alone, but *daily* throughout that *week*. The RUBRIC and its *two Prayers*, which are peculiar to the English Ritual (PALMER'S *Orig. Lit.* i. 335), were introduced at the last Review (1662. CARDWELL'S *Conf.* 381.): the second Prayer, however, is borrowed from the *Scotch Liturgy*. The *Rubric* directing when they are to be used runs thus:—

¶. '*In the Ember Weeks, to be said every day, for those 'that are to be admitted into Holy Orders.*'* 1662).

158.—In Churches where there are no Public *Daily Prayers*, the prescribed COLLECTS are read in the *Wednesday* and *Friday* Services; and where these

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* The RUBRIC of the SCOTCH LITURGY (1637) is more explanatory; thus—'*A Prayer to be said in the Ember-Weeks 'for those which are then to be admitted into Holy Orders; and is to 'be read every day of the Week, beginning on the Sunday before 'the day of Ordination.*'—KEELING, p. 52, 58.

In the AMERICAN LITURGY, the *Rubric* preceding the two Prayers omits the word '*Ember*' altogether, thus:—'*For those who 'are to be admitted into Holy Orders. To be used in the Weeks 'preceding the stated times of Ordination.*'

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are also wanting, one is read on the SUNDAY *previous* to the day of Ordination, and *not on the day* itself. (SHEPHERD, i. 287; WHEATLY, 178.). The *first* Collect is generally used in the previous part of the week, and the *second* in the latter part.

The BISHOP OF LONDON (*Dr. Blomfield*) directs:—'The Prayers 'for the *Ember-Weeks* should always be used as appointed.' (*p.* 65.)—*Charge*, 1842.

The late BISHOP OF DOWN AND CONNOR, &c. (*Dr. Mant*) says:—'So also should one of the Prayers in the "*Ember-Weeks*" 'be devoutly said: and in my opinion, "*on every day*" in the *week*: 'beginning with the Sunday before the first *Ember-Day*, but not 'continued on the Ordination Day.' (*p.* 51.)—*Hor. Lit.*

159.—The practice of *Fasting*, if exercised, is generally confined to the Candidates for Ordination; and even with these, the variable times appointed by the Bishops for admission into Holy Orders, have caused the *Ember Weeks* and their ancient usages to be intermitted, and in many places to be completely unnoticed and forgotten. With respect to the choice of the '*Prayers*,' see in loco. (*postea*, Vol. **F**.).

*** The word '*Ember*' is of doubtful origin, implying either *abstinence*, *ashes*, *circuit* or *course*; or, it may be, as some think, a corruption of *tempora*, or of ἡμέρα, or of the German *quatember*, (quatuor tempora) the fasts of the four seasons; or from the Saxon *Umbryne dagas*, meaning *circuitum*, *circulum*, *curriculum*, *decursum*, (GIBSON'S *Cod.* 287.); but the discussion of this question does not come within the scope of these 'Papers.' (See BINGHAM, IV. 6. 6; XXI. 2. 7.)

The Rogation Days.

160.—The *three* ROGATION DAYS, or days of Supplication (from *rogare*, to supplicate), are the *Monday*, *Tuesday*, and *Wednesday* before ASCENSION DAY; whence the Sunday preceding (the *fifth* Sunday after Easter) is called '*Rogation Sunday*.' These Fast days have no Service, Prayer, nor Collect of any kind assigned to them in the Liturgy; nor is their public observation prescribed by any RUBRIC. They are however enumerated among the 'Days of Fasting' in the 'TABLE' following the *Calendar*, and consequently may be looked upon in some degree as *private* or

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voluntary fasts, intended to prepare the mind for the due observance of ASCENSION DAY; yet the *public* consideration of these days must doubtlessly have been contemplated, although it is not strictly enjoined, since we find a HOMILY in *four parts* especially appointed, as its title imports, "*For the Days of Rogation Week.*" The last *Part* is designated, "An EXHORTATION, *to be spoken to such Parishes where they use their* PERAMBULATION *in Rogation Week; for the Oversight of the Bounds and Limits of their Town.*" This naturally leads us to inquire into the nature of these *Perambulations*, and what necessity is imposed upon us in modern times for their continuance. In other respects the *Rogation Days* have for the most part been long unobserved.

[*Perambulation of Parishes.*]

161.—[The original design of *Perambulating Parishes* was to maintain and hand down to posterity the precise boundaries of every 'Cure,' with the view of determining the liabilities of each Parish, and of defining the extent of its spiritual Charge. These *Perambulations* were formerly conjoined with those superstitious '*Processions*' made at this season, which had been instituted by *Mamertus* (or Mamercus), a Gallic Bishop of the *fifth century* (A.D. 450. PALMER; NICHOLLS says, A.D. 570), and which were abolished at the Reformation on account of the great abuses generally attending them. (GIBSON'S *Cod.* 239; NICHOLL'S *Com. P.* in loco; PALMER'S *Orig. Lit.* I. 299, 303; BINGHAM'S XXI. 2. 8.) The *Perambulations* of Parishes, however, answering a most useful purpose, were suffered to continue; but the necessity of such proceedings now is in a great measure removed by several modern Statutes, such as the Poor Laws, Inclosure, and Highway Acts, &c., the continual requirements of which serve to define the limits of Parishes with accuracy, so as to maintain them undisputed.

In many places, however, *Perambulations* still continue to be made; in some, annually; in others, at more distant intervals; and in many instances, only on a change in the Incumbency. They usually take place about the time of *Rogation Week*, and generally on ASCENSION DAY. The *Minister* in his Clerical robes (*gown*, and *bands*), accompanied by the Churchwardens, Overseers, Guardians of the Poor, and chief inhabitants, with the children of the Parish Schools carrying wands and banners,* walk in procession round

* These *Banners*, '*vexilla pro Rogationibus*,' according to *Winchelsea's* constitution, are to be found by the Parish. (See this authority answered, Vol. **D**. p. 801. *postea*.)

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the Parish boundaries; whence it is sometimes called '*Going Processioning*,' otherwise '*Going Possessioning*.' On reaching the 'boundary marks,' these are commonly struck by the children with their wands, which has given rise to another appellation often bestowed upon this proceeding, of '*Beating the Bounds*.' Numerous feats also, adapted to impress the memory of the younger ones with certain points and localities in their march, as well as with the object of their making this Procession, are occasionally introduced; and on their return home the children are usually presented with some trifling gratuity.

The *perambulating* party in their journey have the right, sanctioned by immemorial custom, of going over any one's grounds, of removing any obstructions that may be in the way, and of passing through any house situated on the boundary line, without dispute or interruption, or liability to an action of trespass: as was settled in the case of *Goodday* v. *Michell*. (Cro. *Eliz.* 441; Co. Ent. 651; Owen. 71.). This was confirmed by LORD DENMAN in his judgment in *Taylor* v. *Devey*, where he says:—

'The right to *perambulate* Parochial boundaries, to enter 'private property for that purpose, and to remove obstructions 'that might prevent this from being done, cannot be disputed. 'It prevails as a notorious custom in all parts of England, is 'recorded by all our text writers, and has been confirmed by 'high judicial sanction.'—(7 A. & E. 409; 2 N. & P. 472.)

No *Refreshment*, however, in these Perambulations can be claimed by the Parishioners as due of right from any house or lands in virtue of custom. (GIBSON'S *Cod.* 213; *Willy* v. *Harbert*, 3 Keb. 609; 2 Roll. R. 259; 2 Lev. 163. See also BURN'S *Eccl. L*, Phil. III. 75; ROGER'S *Eccl. L.* 681; STEER'S *Par. L.* Clive. 5; STEPHEN'S *Law Rel. to Cl.* 891; PRIDEAUX'S *Chw. Guide*, 189.). And with regard to the *Expences*, where no specific fund exists, the Parish Officers are sometimes indemnified out of the Church Rates; and sometimes out of the Poor Rates; in the latter case, the charge is allowed by the Auditor. The *Minister*, also, in some places, is presented with two or three guineas. But the customs vary in different neighbourhoods; and very frequently the whole matter is performed gratuitously.]

162.—The *Religious* observances connected with the *Perambulation of Parishes* have fallen into desuetude; and in the present day the proceeding is generally looked upon more as a secular business, similar in character to the perambulation of Manors. In many instances, however, as in towns where the boundaries are not very extensive, the Churchwardens, and Parishioners, &c., attend the usual 'Morning Service' for *Ascension-Day*, and immediately afterwards proceed with the Minister upon their circuit. WHEATLY says the prescribed Homily is then read:—'the *three first* '(parts are) to be used upon the Monday, Tuesday,

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'and Wednesday; and the *fourth*, upon the day when 'the Parish make their *Procession*.'—(*Com. Pr.* 230). It appears from the 'Injunctions' of ELIZABETH (1559), and the Book of Advertisements' (1564—5), that some kind of *Public Service* was appointed for these occasions, since they enjoin:—

'That the Curate in their said common *Perambulations*, used 'heretofore in the days of ROGATIONS, at certain convenient 'places shall admonish the people to give thanks to God, in 'the beholding of God's benefits, for the increase and abundance 'of His fruits upon the face of the earth, with the saying of the '103*d* PSALM, "*Benedic anima mea, &c.*" At which time also 'the same Minister shall inculcate these or such sentences:— '"*Cursed be he which translateth the bounds and doles of his* '*neighbour*." Or such other order of Prayers, as shall be 'hereafter appointed.' According to the interpretation given to these 'Injunctions' by the Bishops of that day, the 103*d* and 104*th* PSALMS were to be sung or said during the Procession; and on their return to the Church, the *Litany* and *Suffrages*, and the *Homily of Thanksgiving*, were to be read.* (CARDWELL'S *Doc. Ann.* I. 187, 204, 293, 357; II. 202; SPARROW'S *Coll.* 73, 126;—*Ration.* 118; PALMER'S *Orig. Lit.* II. 369.). See 'PARISH,' *postea*.

*** In old SAXON, ROGATION-DAYS are termed '*Gangdagas*:' i.e. days of walking, or perambulation; whence in the north of England, *Rogation-Week* is called '*Gang-Week*, from 'the *ganging* or going in procession.'—(*Calendar of* 1678. BRAND.)

Wednesdays, and Fridays.

163.—In our present Liturgy, *Divine Service* on WEDNESDAYS, and FRIDAYS is enjoined only incidentally, and this is in the *Rubric* preceding the 'LITANY,' which is there appointed

¶. '.....*to be sung or said after Morning Prayer upon* '*Sundays, Wednesdays, and Fridays, &c.*' (1552—1662).

In the Rubric of the *First* Liturgy (1549) the 'Litany' was appointed for *Wednesdays* and *Fridays*

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* In ABP. GRINDAL'S 'Injunctions' (1571),—'Wearing any surplice, carrying of banners or handbells, or staying at crosses, &c.' were forbidden. (CARDWELL'S *Doc. Ann.* I. 337.) By a Constitution of ABP. WINCHELSEY, the Parishioners were formerly bound to find Banners for the Rogations at their own charge.—*Lyndwood*, 252.

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only: (KEELING 41. 229.): and similarly in CANON 15; which latter is now binding on the Clergy, and runs thus:—

'.....Upon *Wednesdays* and *Fridays* weekly, though they be 'not Holy-Days, the Minister, at the accustomed hours of Service, 'shall resort to the Church or Chapel, &c.' (See under 'LITANY.' *postea.*)

With respect to FRIDAYS, the '*Table*' following the Calendar especially mentions them among the 'Days of Fasting or Abstinence;' thus—

¶. '*All the Fridays in the year except Christmas-Day.*'—(1662).

164.—Such are the *Canonical* and *Rubrical* injunctions for the religious observance of WEDNESDAYS, and FRIDAYS. The general practice of modern times, however, has not been in strict conformity with these directions; in numerous instances the only *week-day* Service has been the performance of '*Evening Prayer*' with a Sermon or Lecture on WEDNESDAY only, or in some cases on THURSDAY, or other day; which, although departures from Rubrical order, yet have been sanctioned by custom. Still, in more recent days, the *Wednesday* and *Friday* Services in strict accordance with the Liturgy — *i. e.* using the Morning Prayer, and the Litany (see 'DIVISION OF SERVICES,' *postea*) — have been revived in many of our cities, and large towns, and even in some rural parishes. In many cases preference has been given to the directions of the *Canon* (15), limiting the observance of these days to the use of the '*Litany*' alone. By some Clergymen these two Week-day Services have been adopted as an experiment with the ulterior object, should they be well received, of introducing the practice of '*Daily Prayers.*' In several instances the experiment has been successful; but the other requirement, that of *fasting*, has not, so far as we know, been anywhere attempted to be carried out.

The QUARTERLY REVIEW remarks on this subject:—'We 'think the Bishops have been judicious in recommending, and 'the ministering Clergy equally so in making the introductory 'experiment of Services on the *Wednesdays* and *Fridays*; nor

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'should we have disapproved of their having begun by the use on 'those days of the *Litany* alone, as prescribed in the CANON.—'(*p.* 252.).....The *Litany* Service in the forenoon of *Wednesdays* 'and *Fridays* would, we are satisfied, be eminently successful.' (*p.* 254.)—No. CXLIII. *May*, 1843.

REV. E. SCOBELL, when explaining the law with respect to the '*Daily Service*,' says:—'The separate public saying of the 'LITANY on *Wednesdays* and *Fridays*, assuming the Matins to 'have been said before, either in the Church or at home, is both 'by *Canon* and *Rubric*, though with a very limited obligation, 'laid on the people.' (*p.* 29.)—*Thoughts on Church Subjects.*

165.—*** It may be added here, that the observance of *Wednesday* and *Friday*, the *4th* and *6th* days of the week, as days of Public Prayer and Fasting, is derived from the practice of the primitive Church, and continued from the time of Tertullian, and Clemens Alexandrinus, down to our own age. The Jews, to lessen the interval between their Sabbaths, observed *Monday* and *Thursday* in memory of some great calamity as periods of Public Worship; the Christians appointed *Wednesday* and *Friday*, in commemoration of the days on which our Saviour was betrayed, and crucified. Some authors have indeed assigned their origin to Apostolical institution; and, according to BP. COSINS, the observance of those days for public assemblies was universal, and the practice of the very oldest times. They were formerly called '*Stationary days*' (from the military word *statio*) in consequence of the worshippers remaining at their devotions until 3 *o'clock* in the afternoon: and further, as the *fasting* then ceased, instead of continuing as on other Fasting days till the evening, *Wednesdays* and *Fridays* were termed *half-fasts* (semi-jejunium).—*Add. Notes to* NICHOLL'S *C. P. p.* 23; BINGHAM, XIII. 9. 2; XXI. 3. 1; WHEATLY, 165; 209. (*Corrie's* Edit.)

Since the Reformation, Divine Worship has been publicly performed on *Wednesdays* and *Fridays*; as Dr. CARDWELL clearly proves to us. In *Edward* VI*th's* 'Injunctions' (1549), it is ordered—'that the Common Prayer upon *Wednesdays* and *Fridays* 'be diligently kept.'—(*Doc. Ann.* I. 64.)

In the following year (1550), RIDLEY, then Bishop of London, issued a similar direction. (*ib.* 83.)

ELIZABETH likewise in her 'Injunctions' (1559) enjoined—'that weekly upon *Wednesdays* and *Fridays*, not being Holy-Days, 'the Curate at the accustomed hours of Service shall resort to the 'Church.' (*ib.* 196.)—(See CANON 15 of 1603—4).

Later, we find Abp. WHITGIFT writing to the Bp. of London (1596)—'that Publique Prayers, according to the Book of Common 'Prayer in every several Parish Church, or Chappel, be on all '*Wednesdaies* and *Frydaies* hereafter devoutly used, and diligently 'frequented.'—(*ib.* II. 37.)

Subsequently, Bp. WREN directed (1636)—'that the *Litany* be 'never omitted on Sundays, *Wednesdays*, and *Fridays*.'—(*ib.* 202.)

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Abp. SANCROFT also urged (1688)—'that the Daily Office be 'publicly performed on *Wednesdays*, and *Fridays*, in each week.'—(*ib.* 323.)

Bp. BEVERIDGE, when complaining of the neglect of 'Daily Prayers' in his day, says 'there were very few places in which they 'have any Public Prayers on week-days, except perhaps *Wednesdays* 'and *Fridays*.' (p. 26.)—*Neces. and Adv. of Pub. Pr.* Ed. 1709. (For other instances, see Mr. ROBERTSON's Work on the Liturgy.)

Concurrence of Holy-Days.

166.—When *two* HOLY-DAYS fall on the same day, such as a *Saint's-Day* upon a *Sunday*, there are no directions either in the Rubrics or the Canons to determine which is to give place; the OFFICIATING MINISTER is therefore left to his own discretion, subject to the guidance of his Ordinary. There are many, who set aside the *Holy-Day* altogether, except that they are in some instances compelled to use the *Second Lessons* assigned to it from the fact of there being none appointed for the SUNDAY. But the usual practice, whenever there is a *Concurrence of Holy-Days*, is the following:—

> *An ordinary Sunday* (i. e. a Sunday not peculiarly connected with our Lord's ministry) *yields to a Saint's-Day; and a Lesser Festival gives way to a Greater.*

Except that—1*st*. When any of the LESSONS of the Superior day are appointed in the Apocrypha, the *Canonical Scriptures* directed for the Inferior day are to be preferred.

2*ndly*. Only *one Collect*, and that the COLLECT of the day selected, is to be read in Divine Service (except in those especial instances where *two* or more are appointed by the *Rubric*.)

3*rdly*. The *same Collect* with its EPISTLE and GOSPEL are to be read in the 'Communion Service.'

167.—With respect to the distinction between the *Greater* and the *Lesser* Festivals, when such coincide, it is very possible, since no rules are prescribed, that there will be found a want of uniformity with respect to the Services performed in the various Churches even of the same neighbourhood. This is one of those cases which call for an appeal to the Diocesan,

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according to the injunctions given in the prefatory remarks in the Book of Common Prayer, in order to 'appease the diversity' where any difference prevails.

As there are no definitive instructions in the Prayer Book to guide the OFFICIATING MINISTER, the opinions following will tend to elucidate the question more fully; although the subject is handled more largely in *Vol.* **E.** and **F.** of this Work.

BP. OVERALL (*ob.* 1619) remarks:—'When the Feast-Day falls 'upon a Sunday, it was ordered in the Service of Sarum, that the '*Sunday Service should give way* to the proper Service ordained 'for the Festival, *except* some peculiar Sunday only, and then 'the one or the other was transferred to some day of the week 'following.'—*Add. Notes to* NICHOLL'S *Com. Pr.* p. 8.

ARCHDEACON SHARP says:—'Know, for instance, to what 'uncertainties we are left in the use of the 'TABLE for the PROPER 'LESSONS,' and in the appointment of the Epistles and Gospels 'when *Sundays and Holy-Days coincide.* The consequence is, that 'the Clergy differ in their practice, and use the Service appropriate 'to that Festival to which in their private opinion they give the 'preference. Some there are who choose to intermix them, using 'the *Collects appointed to each*, and preferring the 'First Lesson' 'that is taken out of a *Canonical* Book, if the other 'First Lesson' 'happens to be appointed in the '*Apocrypha.*' (*p.* 61.).....And 'whereas there are liberties too often taken by some under the 'notion of a discretionary power, which is not justifiable; as 'the adding to the Public Service more than is commanded, in '*multiplying Collects* (for instance) *in the coincidence of Festivals;* 'or joining at any time more Collects, as Collects for the Day, to 'that which is properly so, (and which is *but one*, except it be in 'Advent, and Lent, or at other times when special direction is given 'for more Collects thon one).' (*p.* 71.)—*On Rubric and Canons.* CHARGE, A. D. 1735.

SHEPHERD (*ob.* 1805) after observing:—that 'When a *Sunday* '*and a Saint's-Day coincide*, we appear to be left in some degree 'of uncertainty, whether the 'First Lesson,' together with the 'Service for the Holy-Day, or that for the Sunday is to be read;'—he proceeds to quote the first portion of the above extract from Archdeacon Sharp's Work; and then adds, after referring to the practices prevailing before the Reformation,—'Hence it would 'appear, that the *Service for the Saint's-Day, and not that for the* '*Sunday* should be used.—And notwithstanding there exists some 'diversity of opinion on this subject, yet the *most general practice* 'seems to be to read the *Collect, Epistle, and Gospel, for the* '*Saint's-Day;* and it is most consonant to that practice to read also 'the '*First Lesson*' *appropriated to that day.*'* After speaking of

* MR. SHEPHERD adds in a note 'This remark I have heard 'made by Dr. Porteus the late Lord Bishop of London.'

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the prior appointment of specific Lessons for Holy-Days, and long before any were prescribed for the Sundays, he concludes—'But 'that, when *a Sunday and a Saint's-Day coincide*, the Sunday 'Lesson was intended to supersede the Lesson appertaining to the 'Saint's-Day, I have nowhere been able to discover.'—*Elucidation of Book of Com. Pr.* I. 178.

WHEATLY (*ob.* 1742) says:—'In relation to the *concurrence of 'two Holy-Days* together, we have no directions either in the 'RUBRIC or elsewhere, which must give place, or which of the 'two Services must be used.....Some Ministers, when a Holy-Day 'happens upon a Sunday, take no notice of the Holy-Day, (except 'that sometimes they are forced to use the 'Second Lesson' for 'such Holy-Day, there being a gap in the column of Second Lessons 'in the Calendar), but use the Service appointed for the Sunday; 'alleging that the Holy-Day, which is of human institution, should 'give way to the Sunday, which is allowed to be of divine. But 'this is an argument which I think not satisfactory: for though the 'observation of Sunday be of Divine institution, yet the Service 'we use on it is of human appointment.....I cannot but esteem the 'general practice to be preferable, which is to make the *Lesser 'Holy-Day give way to the Greater; as an ordinary Sunday*, for 'instance, *to a Saint's-Day; a Saint's-Day to one of our Lord's 'Festivals; and a Lesser Festival of our Lord to a Greater:* except 'that some, *if the First Lesson for the Holy-Day be out of the 'Apocrypha, will join the First Lesson of the Sunday to the Holy-Day 'Service:* as observing that the Church, by always appointing 'Canonical Scripture upon Sundays, seems to countenance their 'use of a Canonical 'Lesson' even upon a Holy-Day, that has a 'proper one appointed out of the Apocrypha, if that Holy-Day 'should happen upon a Sunday. But what if the *Annunciation* 'should happen in Passion-Week; or either that, or *St Mark* upon 'Easter-Monday or Tuesday? or what if *St Barnabas* should fall 'upon Whit-Monday or Tuesday? or what if *St Andrew* and 'Advent-Sunday both come together? In any of these concurrences 'I do not doubt but the Service would be differently performed 'in different Churches. And therefore I take this to be *a case, 'in which the Bishops ought to be consulted*, they having a power 'vested in them "*to appease all diversity, if any arise.*" (*p.* 187.). Respecting the Sunday Collect, he remarks further on,—'when any 'Day falls that hath a *proper* or *peculiar Collect*, &c. to itself: upon 'these (which) occasions the RUBRIC* plainly supposes, that *the 'Collect for the Sunday shall be left out and omitted: the Church 'never designing to use the two Collects at once*, except within the 'Octaves of *Christmas*, and during *Advent*, and *Lent;* when, for the 'greater solemnity of those solemn seasons, she particularly orders 'the Collects of the principal days to be used continually after the 'ordinary Collects.' (*p.* 193.)—*Rat. Ill. of Book of Com. Pr.*

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* The last Rubric in '*The Order How the Rest of Holy Scripture is appointed to be Read.*'

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168.—Passing to more modern Writers, we may refer to the following:—

The BISHOP OF LONDON (*Dr. Blomfield*) directs:—'Where a 'Saint's-Day falls upon a Sunday, *the Collect for the Saint's-Day, as 'well as that for the Sunday, should be read*, and the Epistle and 'Gospel for the Saint's-Day, but *the Lessons for the Sunday.*' (*p.* 65.)—*Charge*, 1842.

The late BISHOP OF DOWN AND CONNOR, &c. (*Dr. Mant*) remarks:—'In the case of the Lord's Day concurring with 'a Saint's-Day, I prefer the *First Lesson for the latter* (the 'Saint's-Day), *unless it be from the Apocrypha, when the Sunday 'Lesson from a Canonical Book may on the whole be preferable.*' (*p.* 45.).....'When a Saint's-Day coincides with the Lord's Day, I 'prefer *the Collect for the former* (the Saint's-Day).....*The reading 'of both Collects is not agreeable to the provision of the Church*, 'who says, "then shall follow three Collects, the first of the day." 'On *Good Friday* there are more than one "of the day," indeed 'there are three; but then they are set forth as "the Collects," 'particularized as such in their proper place.'—After adverting to the appointed *repetition* of the Collects for the First Sunday in Advent, for Christmas-Day, and for Ash-Wednesday, the Bishop concludes—'*To use two* (Collects), *unless by these special ordinances 'of the Church, is at variance with her law.*' (*p.* 48).—And further—'The same rule which regulates the *first* COLLECT for Morning 'Prayer, should regulate that also at the *Communion*. The Collect 'of the Day should in each case *be the same:* and if an additional 'Collect, as in Advent, and in Lent, and after Christmas-Day, 'follow in the former case, it should follow also in the latter. The choice of the *Epistle* and *Gospel*, where a Sunday falls in 'with a Holy-Day, should follow that of the Collect.' (*p.* 54.)—*Hor. Lit.*

The AUSTRALIAN BISHOPS in their '*Conference*' held at Sidney in 1850 (see *page* 293), decreed these '*Rules for Service on 'Saints'-Days falling on Sundays*, &c.'—'Should a Saint's-Day 'fall on Ash-Wednesday, Good-Friday, or Easter-Eve, or on 'Easter-Sunday, Ascension-Day, Whit-Sunday, or Trinity-Sunday, 'or on Monday or Tuesday in Easter and Whitsun Weeks, the '*Lessons, Collect, Epistle and Gospel, for those days are to be used.* 'When a Saint's-Day shall fall *on any other Sunday, the Lessons 'of the Saint's-Day* (unless they be from the Apocrypha) *are to 'be used, and the Collect, Epistle and Gospel, for the Saint's-Day, 'with the Collect for the Sunday.*'—*Eccl. Gazette.* June, 1851.

Rev. J. JEBB, remarking on the 'difficulty which is generally felt, as to the adoption of any rule with respect to the *concurrence 'of Sundays and Holy-Days*,' adds—'On this point the Church of 'England has neither given any direction, nor recommended any 'principle.' He then adverts to the complicated rules of the Roman Breviary; after which he thus proceeds—'In order to give some 'suggestion towards a consistent rule, the following arrangement, 'liable, of course, to correction, is proposed. On the concurrence 'of all Holy-Days, it is suggested that the *Collect for the Day 'of inferior observance should be read in addition* to that of the Day. 'The *Apocryphal Lesson* should in all cases *be postponed to that*

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'*from Canonical Scripture.* In other respects, the whole Service 'of the superior Festival should be performed. In the following '"TABLE" the Festivals which should have the *precedence* are 'given in *Roman* letters: those with which they can possibly *concur*, 'and which *yield* to them, in *Italics.*

'*Have precedence.*	*Yield.*
'Advent Sunday..*is preferred to*	*St Andrew.*
Fourth Sunday in Advent....	*St Thomas.*
St Stephen.....	*First Sunday after Christmas.*
St John	
Innocents	
Circumcision	
Epiphany	*Second Sunday after Christmas,* and *Sundays after Epiphany.*
Conversion of St Paul	
Purification	*Third Sunday after Epiphany, Septuag. Sexag.* and *Quinq. Sunday.*
Septuagesima, Sexagesima, and Quinquagesima Sunday	*Conversion of St Paul,* and *St Matthias.*
Ash-Wednesday	*St Matthias.*
Sundays in Lent	*St Matthias.*
Annunciation	*Sundays in Lent.*
Days in Passion Week.....	*Annunciation.*
Sunday before Easter, *and* Easter Day	*Annunciation,* and *St Mark.*
First Sunday after Easter	*St Mark, St Philip* and *St James.*
St Mark, St Philip & St James	*Sundays after Easter.*
Whit-Sunday, *and* Trinity Sunday	*St Barnabas.*
St Barnabas, *and other Holy Days, till* All Saint's Day, *inclusive*	*Sundays after Trinity.*
Easter-Monday, *and* Tuesday	*Annunciation,* and *St Mark.*
Ascension Day	*St Philip* and *St James.*
Whit-Monday, *and* Tuesday ..	*St Barnabas.*'

(On 'THE CHORAL SERVICE.' *p.* 405—9.)

A Ritualist of the more extreme school thus prescribes :—

Sundays which take precedence of Saints'-Days.	*Holy-Days which take precedence of other Holy-Days.*
First Sunday in Advent	Christmas-Day.
Fourth Sunday in Advent	Circumcision.
First Sunday in Lent	Epiphany.
Sixth Sunday in Lent, Palm Sunday	The Annunciation of our Lady.
Easter-Day	Ash Wednesday.
Low Sunday	All the Days of Holy Week.
Feast of Pentecost	Monday in Easter Week.
Trinity Sunday	Tuesday in Easter Week.
In all other cases, the Festival should have precedence of the Sunday.	Monday in Whitsun Week.
	Tuesday in Whitsun Week.
	Ascension Day.

(Rev. J. PURCHAS' *Directorium Anglicanum.*)

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With respect to the Collects to be read on *Saturday Evening*, and on the *Vigils* or *Eves* of Holy-Days which fall on a *Monday*.—See under the *Rubric* of the First Collect in the 'EVENING SERVICE,' *postea*.

Hour of Service.

169.—At the period of the Reformation when the various Service Books, and Offices, for the different hours of Prayers, called the '*Canonical Hours*,' were condensed, as we have seen, into one LITURGY; at the same time *Public Worship* was reduced to two Services in accordance with primitive usage, derived by the early Christians from the Jews. These Services were only enjoined to be in the Morning, and in the Evening. (PALMER'S *Orig. Lit.* I. 204.). The particular hours however at which the two Services were to be performed, were left to the discretion of the MINISTER, which was afterwards confirmed by the CANONS of 1603—4; thus—

> 'The COMMON PRAYER shall be said or sung distinctly and 'reverently upon such Days as are appointed to be kept holy, by 'the Book of Common Prayer, and their Eves, and *at convenient* '*and usual times of those days*.'—CANON 14.

This discretionary power not having been subsequently rescinded or restrained, either by Canon, Rubric, or Legal Enactment, the practice exists at the present day of making the appointed hours in agreement with the custom of the place, and suitable to the convenience of the worshippers.

170.—On the SUNDAY the more usual times of *Divine Service* in Towns and Cities are 11 *o'clock*, A.M.; and 3 *o'clock*, P.M. In country Parishes 10½ *o'clock*, A.M.; and 2½ *o'clock*, P.M. Where the 'EVENING SERVICE' is repeated, the hour in this case is generally 6, or 6½, or 7 *o'clock*, P.M. But there is so considerable a variation in this respect, that no precise hour can be set down as the practice of any town, or neighbourhood. Besides this, it may be observed, that there are some

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Parishes, particularly those where *Daily Prayers*, or frequent *Week-Day Services* are performed, in which 'MORNING PRAYER' is solemnized very early in the day, commencing at different hours, whether on a Sunday or a Week-day, between 7 *o'clock*, A. M., and 9 or 10 *o'clock*, A. M. Then frequently will follow at 10 or 11 *o'clock*, A. M., or later, the 'MORNING SERVICE' again; or the 'LITANY' alone; or the 'LITANY' and 'COMMUNION SERVICE' conjoined (HOOK'S *Ch. Dict.* Art. 'LITANY'): and in the after part of the day the 'EVENING SERVICE' will sometimes be read, once, if not twice.* The authority regulating such *division of the Services* is the Bishop of the Diocese; but the discussion of this subject will come next in order.

*** In CATHEDRALS generally 'MORNING SERVICE' is at 10 *o'clock*, A. M.; but in those of Winchester, Worcester, and Hereford, and in the Colleges of the Universities, it is much earlier, varying from 6 *o'clock*, A. M. to 9 *o'clock*, A. M. The 'EVENING SERVICE' in Cathedrals is usually at 4 *o'clock*, P. M.; and in the College Chapels from 5 *o'clock*, P. M. to 7 *o'clock*, P. M. (See JEBB'S *Choral Service*, p. 226. 415.).

Formerly, the practice was, according to L'ESTRANGE, for the 'Morning Prayer' to begin at 9 *o'clock* (*Alliance*, p. 72.): yet BP. SPARROW says the 'Communion Service' ought to begin at 9 *o'clock*. (*Rationale*, p. 157.). In DR. DONNE'S time (A. D. 1553—1631) the Sermon was over at 11 *o'clock*. (Works, ed. *Alford*. III. 383.): while with GEORGE HERBERT, who flourished at the same time with DONNE (A. D. 1593—1632), the *Canonical hours*, as we gather from WALTON, were 10 *o'clock*, and 4 *o'clock*. (HOOK'S *Eccl. Biog.* VI. 6.)

The following extracts may elucidate the subject further:—

ABP. LAUD says—'The 'MORNING SERVICE' is everywhere to 'end by 12 *o'clock* at farthest; so the *Vespers* never begin before '3 *o'clock*, and end by 5 *o'clock*. And this I take it is universal. 'And the reason of it, as I conceive, is, that the Prayers of the 'Church, howsoever different in place, might be jointly put up 'to God in all places at the same time.' (*p.* 239.)—*Autob.* Oct. 18th, 1639.

BISHOP BEVERIDGE (*ob.* 1707—8) remarks that,—'Our Church 'hath not appointed the *hour* when either the *Morning* or *Evening* '*Prayer* shall begin, because the same hour might not be so

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* The *hours* adopted in the present day are fully exhibited in 'MASTERS'S *Guide to the Daily Prayers*.' (pp. 18.); price 6*d*.

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'convenient in all places. Only the Ministers ought to take care 'in general that MORNING PRAYERS be always read *before*, and 'EVENING *after* noon.'—*Sermon on Public Prayer.* (Works, III. 492.)

BISHOP COSINS (*ob.* 1672), in his comments upon the words '*Who has safely brought us to the beginning of this day*,' in the COLLECT FOR GRACE, remarks:—'Which shews when the 'Morning 'Prayer' should regularly be said, *at the first hour of the day*, which 'is 6 *o'clock* in the morning, and not towards high *noon day*, or '*afternoon* when the morning is past.' (*p.* 23.).—Again, when quoting the old Rubric enjoining the 'LITANY,' he says:—'That 'after 'Morning Prayer' is done (which was then done betimes, 'and while it was yet *morning*, not put off as since till *towards* '*noon*) the people, &c.' (*ib.*, and similarly in *p.* 67.)—*Add. Notes to* NICHOLL'S *Com. Pr.*

WHEATLY (*ob.* 1742) observes upon this subject:—'To His 'peculiar people, the Jews, God Himself appointed their set times 'of public devotion: commanding them to offer up two lambs *daily*, '*one in the Morning and the other in the Even* (*Exod.* xxix. 39; '*Numb.* xxviii. 4; *Acts* iii. 1.), which.....were at their *third* and '*ninth* hours, which answer to our *nine* and *three*.....Accordingly all 'Christian Churches have been used to have their public devotions 'performed daily *Morning* or *Evening*. The Apostles and primitive 'Christians continued to observe *the same hours of Prayer with the* '*Jews*.*.....But the Church of England cannot be so happy as to 'appoint any set hours when either *Morning* or *Evening Prayer* 'shall be said: because now people are grown so cold and indifferent 'in their devotions, they would be too apt to excuse their absenting 'from the Public Worship, from the inconveniency of the time: and 'therefore she hath only taken care to enjoin that Public Prayers 'be read *every Morning and Evening daily throughout the year;* 'that so all her members may have opportunity of joining in Public 'Worship *twice* at least every day. But to make the duty as 'practicable and easy both to the Minister and people as possible, 'she hath left the determination of the particular hours to the '*Ministers* that *officiate;* who, considering every one his own and 'his people's circumstances, may appoint such hours for Morning 'and Evening Prayer, as they shall judge to be most proper and 'convenient.' (*p.* 79.)—*Rat. Ill. of C. P.*

171.—The 'CANONICAL HOURS' of Public Prayer, observed before the Reformation, were *seven* in number. They originated in the devout zeal of the monks in the time of ST BASIL (*cir.* A. D. 378.), and were subsequently established by a decree of *Pope* PELAGIUS II. (*cir.* A. D. 578.), when Psalms were appointed for each hour. These seasons are the following:—

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* The devout Jews had also a *third* hour of prayer, answering to 12 *o'clock*. (*Acts* x. 9).

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Matins, which comprised the two offices of *Nocturns*, and *Lauds*, commenced at midnight with the *Nocturns:* followed at day-break (about 3 *o'clock*) by the *Matin Lauds*.

Prime (Prima). or the first hour, followed *Lauds*, beginning about 6 *o'clock* (some say 7 *o'clock*.).

Tierce (Tertia), or the third hour, began at 9 *o'clock*.

Sext (Sexta), or the sixth hour, began at 12 *o'clock*, or noon.

Nones (Nona), or the ninth hour, began about 2 or 3 *o'clock*, P.M.

Vespers (Vesperæ), or *Evensong*, began about 4 *o'clock*, P.M. This Service is spoken of by the most ancient Fathers.

Complin, *Compline* (Completorium), *or second Vespers*, was the last Service of the day, and began about 7 *o'clock*, P.M. (or 9 *o'clock*).

From these hours not resting on any Divine command, there has never been any uniformity in the Christian Church with respect to their adoption. The true origin of these *Canonical Hours* however, may possibly be derived from the practices of the holy men recorded in the Scriptures, as illustrated by PALMER, who refers to —'The example of Daniel, who "knelt on his knees *three* times in the day, and prayed, and gave thanks unto his God" (*Dan.* vi. 10.); of the Apostles who were "all with one accord in one place" at "the *third hour* of the day" (*Acts* ii. 1. 15.); of St Peter, who at the *sixth hour* "went up upon the house-top to pray" (*Acts* x. 9.); of Peter and John, who at the *ninth hour*, "being the hour of prayer, went up together into the Temple" (*Acts* iii. 1.); of Paul and Silas, who at *midnight* "prayed and sung praises unto God" (*Acts* xvi. 25.); of the Psalmist, who "*seven times* a day praised God" (*Psal.* cxix. 164.); of the Disciples, who after our Lord's ascension, "all continued with one accord in prayer and supplication" (*Acts* i. 14).'—*Orig. Lit.* I. 207.

The same author adds,—'The Office of *Matins*, or "MORNING 'PRAYER," according to the Church of England, is a judicious 'abridgment of her ancient Services for *Matins*, *Lauds*, and *Prime;* 'and the office of *Evensong*, or "EVENING PRAYER," in like 'manner, is an abridgment of the ancient Services for *Vespers*, and '*Compline*.'—*Orig. Lit.* I. *p.* 213. (See also MASKELL'S *Mon. Rit. Ec. Ang.* II. pref. v. 8, 9; and BINGHAM'S *Ant. of Chr. Ch.* XIII. 9.)

THE DIVISION OF THE SERVICES.

172.—Upon this question there is great diversity of opinion. Previous to the *last Review* of the Liturgy (1662), there seems to be little doubt but that the MORNING PRAYER, LITANY, and COMMUNION SERVICE, were generally used, though not always, as *three distinct* Services, and at three different times. Subsequently to that period, and up to the present age, the usual practice has certainly been to *unite the three Services into one;* and not till very lately

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has this usage been questioned, or departed from. But as the modern movement for a *separation* of the Services is widely extending, it is incumbent upon us to refer to the authorities that seem to favour this proceeding, and especially to the sources whence those authorities have deduced their arguments. The 'LITANY' Service, forming a kind of connecting link, will be chiefly involved in the consideration; and in discussing the question it will perhaps be advantageous to proceed chronologically.—

1547. Beginning at the *Reformation*, and before the compilation of the Liturgy, we find that the LITANY was *united* to the COMMUNION SERVICE. It was used immediately preceding *High-Mass* ('COMMUNION SERVICE'), thus:—

(*a*)—'*Immediately before* HIGH-MASS (the Communion) the Priests 'with others of the quire shall kneel in the midst of the 'Church, and sing or say plainly and distinctly the LITANY, '&c.'—*Injunctions of* EDWARD VI. (CARDWELL'S *Doc. Ann.* I. 14; SPARROW'S *Coll.* 8.).

1549. In the *first* LITURGY (1549), the Rubric at the beginning of the 'COMMUNION SERVICE' (which Order of Service was now incorporated into the Liturgy), direcitng when the names of Communicants where to be signified to the Curate, implied an *interval* of *time* between MORNING PRAYER and COMMUNION; as the names were to be given, says the Rubric,—

(*b*)—'*Over night: or else in the Morning after the beginning of* '*Matins* (Morning Prayer, 1552—9), *or immediately after*.'—(KEELING. 167.).

At the end of the COMMUNION SERVICE in this first Prayer Book is placed the LITANY with the following Rubric, which leads to the supposition of a *union of these two* Services on WEDNESDAYS, and FRIDAYS.

(*c*)—'*Upon Wednesdays and Fridays the English* LITANY '*shall be said or sung in all places after such form as is* '*appointed by the King's Majesty's Injunctions* (a).....*And* '*though there be none to communicate with the Priest, yet* '*these days* (*after the* LITANY *ended*) *the Priest shall put* '*upon him a plain Albe, &c., and say &c., until after the* '*Offertory*.'—(KEELING. 229.).

At the COMMINATION SERVICE, the Rubric implies *an interval between* MORNING PRAYER, and the LITANY, and that the latter was a *distinct* Service, thus:—

(*d*)—'*After* MATINS *ended, the people being called together by* '*the ringing of a Bell, and assembled in the Church: the* '*English* LITANY *shall be said &c.*'—(KEELING. 347.).

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1552. In the *Second* LITURGY of Edward VI. (1552), the LITANY was transferred to the place it now occupies in our present Prayer Book, and its use was then enjoined on the *Sunday* also, by the following Rubric:—

(*e*)—'*Here followeth the* LITANY, *to be used upon Sundays, 'Wednesdays, and Fridays, and at other times when 'it shall be commanded by the Ordinary.*'—(KEELING. 41.).

The *Rubric* at the beginning of the COMMUNION SERVICE (*b*) remained unaltered; and likewise that at the COMMINATION SERVICE (*d*), except that in the latter, '*after Matins ended*,' was changed to, '*after Morning Prayer:*' but the Rubric at the *end* of the COMMUNION SERVICE (*c*) was removed.

In the '*Reformatio Legum Ecclesiasticarum*,' drawn up at this time (1552) by CRANMER, MARTYR, and the other Commissioners (and which was revised by ABP. PARKER in 1571, yet failed in obtaining legal sanction, although pressed upon the Parliament of that day) *a union* of these three Services is prescribed; thus:—

(*f*)—'.....Quapropter antemeridiano quopiam convenienti tempore 'preces, quas appellant *Matutinas*, recitari placet, *appositis* 'etiam *illis*, quæ pro *Communionis* officio præscriptæ sunt. Et '*intercurrat* in singulis diebus Mercurii et Veneris illa 'solemnis Supplicatio, quæ *Litania* nominata est.'—*De Divin. Off.* caps. 1. 3. 6. (See *pages* 273, 284.).

1559. The *Rubrics* of the LITURGY of *Elizabeth* (1559) with respect to these points are the same as those in the *Second* LITURGY of *Edward* VI. (1552); and the *Injunctions* of Elizabeth are also similar to those of Edward (*a*); the term '*High-Mass*' however, is altered to '*Communion of the Sacrament;*' (CARDWELL'S *Doc. Ann.* I. 187.); and there is the additional 'Injunction' following, as regards the LITANY alone, clearly proving it an independent Service; and from which our present CANON 15, is derived.

(*g*)—'Item, That weekly upon *Wednesdays* and *Fridays*, not being 'Holy-Days, the Curate at the accustomed hours of Service 'shall resort to Church, and cause warning to be given to the 'people by *Knolling of a Bell*, and say the *Litany* and 'Prayers:—(*Doc. Ann.* I. 196; SPARROW'S *Coll.* 80.).

1560. In the following year we learn that it was the practice of ABP. PARKER in his Visitations to have MATINS over by 8 o'clock, and for the LITANY to be sung at a later hour. (STRYPE'S *Parker*, II. c. 2.—quoted in JEBB'S *Chor. Serv.* 432.).

1571. A few years later (in 1571) we find *all three Services united.* ABP. GRINDAL, following perhaps the '*Reformatio Legum*,' which was now pressed upon the notice of the House of Commons with the view of their giving to it legal sanction (see *page* 284), directed throughout the province of York—'That the Minister 'was not to pause or stay between MORNING PRAYER, LITANY, or 'COMMUNION; but *to continue and say Morning Prayer, Litany,* '*and Communion* (or the Service appointed to be read when there is 'no Communion) *together without any intermission;* to the intent 'that the people might continue together in Prayer and reading the

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'Word of God, and not depart out of the Church during all the 'time of the whole Divine Service.'—(*Life*, II. 2; *Rem.* Parker's Ed. *p.* 137. CARDWELL'S *Doc. Ann.* I. 336.).

1604. The next authority, the LITURGY of *James* I. (1604), made no alteration in the Rubrics with respect to the point under discussion.

The CANONS, however of (1603—4), which are at this day binding upon the Clergy, enjoined the use of the LITANY as a *distinct Service* on WEDNESDAYS and FRIDAYS; but omitted all mention of the *Sunday*.

(*h*)—'The LITANY shall be said or sung when, and as it is set down 'in the Book of Common Prayer, by the Parsons, Vicars, &c... 'Upon *Wednesdays* and *Fridays* weekly, though they be 'not Holy-Days, the Minister, at the accustomed hours of 'Service, shall resort to the Church or Chapel, and warning 'being given to the people by *tolling of a Bell*, shall say 'the LITANY prescribed in the Book of Common Prayer; 'whereunto we wish every householder dwelling within half 'a mile of the Church to come, or send one at the least of 'his household, fit to join with the Minister in Prayers.'—CANON 15.

1637. We arrive now at a very important alteration, which, although made in the *Scotch Liturgy*, yet inasmuch as it received the sanction of *Laud*, *Juxon*, and *Wren*, not only presents us with the opinions of those divines on the subject; but leads us to suppose that it gave rise to a similar change being effected in the subsequent Review of our own Liturgy. The 'MORNING SERVICE' in the former Liturgies concluded with the '*Third Collect for Grace*;' we now have in the SCOTCH LITURGY two *Rubrics* directing the *addition* of the LITANY to the Morning Service: the one following the 'Collect for Grace,' thus reads:—

(*i*)—'*After this Collect ended, followeth the* LITANY; *and if the* 'LITANY *be not appointed to be said or sung that morning,* 'then shall next be said the 'Prayer for the King's Majesty,' 'with the rest of the Prayers following at the end of the 'LITANY, *and the Benediction.*'—(KEELING. 24.).

The other, which is at the beginning of the LITANY in the same Book is the Rubric annexed:—

(*k*)—'*Here followeth the* LITANY, *to be used after the third* 'Collect at Morning Prayer, called 'The Collect for Grace,' 'upon Sundays, Wednesdays, and Fridays, and at other 'times when it shall be commanded by the Ordinary, and 'withont omission of any part of the other Daily Service 'of the Church on those days.'—(KEELING. 40.).

[See *par.* 55.].

1661. The next proceeding brings us to the *Savoy Conference* (1661), where we shall find among the '*Exceptions of the Ministers* 'against the Book of Common Prayer,' one respecting the repeated use of the 'Lord's Prayer.' The following answer of the Bishops maintains the *distinction* of the Services under consideration, thus:—

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(*l*)—'*Lord's Prayer* often used.—It is used but twice in the Morning 'and twice in the Evening Service; and twice cannot be called 'often, much less so often. For the LITANY, COMMUNION, 'BAPTISM, &c., *they are Offices distinct* from Morning and 'Evening Prayer, and it is not fit that any of them should 'want the *Lord's Prayer*.'—(CARDWELL'S *Conf.* 351.)

Now, among the Bishops at this *Conference*, and who also assisted in reviewing the LITURGY, was COSINS, Bishop of Durham, who is supposed to have made the following suggestion, which led to the introduction of '*after Morning Prayer*' into the Rubric now preceding the LITANY; as well as of the entire Rubric following the '*Third Collect for Grace*.'—'There is no appointment at what time 'of the day, or after what part of the Service it (the LITANY) ought 'to be said; so that a contentious man may take his liberty to say 'it after 'Evening Prayer,' or at any time of the day upon *Sundays*, '*Wednesdays*, and *Fridays*, &c., at his own choice, unless an Order 'be here added to confine him.'—*Add. Notes to* NICHOLL'S *C. Pr.* p. 68.

1662. After this, the LITURGY was reviewed (1662), and the 'MORNING SERVICE,' instead of concluding as in all the preceding English Liturgies, with the '*Third Collect for Grace*,' was extended by the addition of an '*Anthem*,' after which follows this Rubric:—

(*m*) ¶. '*Then these five Prayers following are to be read here, 'except when the* LITANY *is read; and then only the two 'last are to be read, as they are there placed*.'—(Present B. of C. P.).

And the following alterations (in Roman letters) were also made in the Old Rubric before the LITANY:—

(*n*) ¶. '*Here followeth the Litany*, or General Supplication, *to be '(used)* sung or said after Morning Prayer *upon Sundays, 'Wednesdays, and Fridays, and at other times, when it shall 'be commanded by the Ordinary*.'—(Present B. of C. P.)

Also in the Rubric before the COMMUNION SERVICE, instead of the words as quoted above (*b*) in *page* 377, we have,—

(*o*) ¶.....'*at least some time the day before*.'—(Present B. of C. P.)

And at the COMMINATION SERVICE, instead of the ancient Rubric (*d*) will be found the following:—

(*p*) ¶. '*After Morning Prayer, the* LITANY *ended according to the 'accustomed manner, the Priest shall, in the Reading-Pew 'or Pulpit, say*,' *&c.**—(Present B. of C. P.)

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* In the AMERICAN LITURGY (1789), the Rubrics (marked *m. n.* above) are thus altered:—

(*m*). '*The following Prayers are to be omitted here, when the* 'LITANY *is read*.'

(*n*). '*The* LITANY, *or General Supplication, to be used after 'Morning Service, on Sundays, Wednesdays, and 'Fridays*.'

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Bp. Cosins (*ob.* 1671), commenting upon the second of these Rubrics (*n*) says—'Though it be not specified after what part of 'the Service it shall be used, it seems they intended it (the Litany) 'to *follow* the 'Morning Prayer:'—but after quoting the old Rubric before the *Commination Service* (*d*) he adds—'In those days 'the custom was to go home after 'Morning Prayer,' and to come 'again to the Litany, not to despatch (as *now* they do) all at 'once.'—*Add. Notes to* Nicholl's *C. Pr.* p. 23.

Bp. Overall's *Chaplain* (*cir.* 1614—19), in his remarks upon the ancient Rubric before the Communion Service (*b*), made previous to the Last Review, says:—'Whereupon, is necessarily to 'be inferred a certain *distance* of time between Morning Prayer 'and High-Service. A rule which is at this time duly observed 'in York, and Chichester; but by negligence of Ministers and 'carelessness of people, wholly omitted in other places.'—*Add. Notes to* Nicholl's *C. Pr.* p. 36.

Heylyn (*ob.* 1662.) also observes, that the ancient practice of the Church of England was for 'the 'Morning Prayer' or '*Matins*' to begin between 6 & 7; the Second Service, or Com-'munion Service, not till 9 or 10.' (*p.* 61.)—'In some Churches 'when the Litany is saying, there is a *Bell tolled* to give notice 'unto the people that the Communion Service is now coming on.' —(*p.* 59.)—*Antid. Linc.* c. x. s. 3. *p.* 59: (quoted by Wheatly).

Bp. Sparrow (*ob.* 1685), treating on the 'Communion Service,' and before the alterations of the Rubrics in 1662, remarks upon the repetition of the '*Prayer for the King*':—'Now the Morning 'Service, Litany, and the Communion Service, are *three distinct* 'Services, and therefore have each of them such an especial Prayer. 'That they are three distinct Services will appear: for they are to be 'be performed at distinct places and times. The Morning Service 'is to be at the beginning of the day.....The Litany is also a 'distinct Service: for it is no part of the Morning Service, as you 'may see in the *Rubric* after Athanasius his Creed; *Here ends the* '*Morning and Evening Service. Then follows the* Litany. Nor is

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The Rubrical direction (*o*) is omitted; but there is added to the last Rubric before the Communion Service, this sentence:

'*But the Lord's Prayer may be omitted, if Morning* '*Prayer hath been said immediately before.*'

The Commination Service is excluded from the *American* Liturgy, but the *three Collects* at the close of that Service preceding the last one, and which thus begin—

'O Lord, we beseech Thee, &c.

'O Most mighty, &c.'

'Turn Thou us, &c.'

are placed after the Collect for Ash-Wednesday, and just before the Epistle and Gospel; headed with this Rubric:—

'*At Morning Prayer, the Litany being ended, shall be said* '*the following Prayers, immediately before the General* '*Thanksgiving.*'—(Dr. Wainwright's Ed. *New York*, 1845).

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'it any part of the COMMUNION SERVICE; for that begins with 'Our Father,' and the Collect 'Almighty God, &c.,' and is to be said 'after the LITANY. The time and place for this is not appointed in 'the Rubric, but is supposed to be known by practice.....The 'time of this (the LITANY) is a little before the time of the COM-'MUNION Service (*Inj.* 18 *Eliz.*). The COMMUNION SERVICE is to 'be some good distance after the MORNING SERVICE.....The usual 'hour for the solemnity of this Service (*Communion*), was anciently '(and so should be) *nine of the clock, in the Morning* (*Conc. Aurel.* '3. *Can.* 11.). This is the *Canonical hour*.....In case of necessity 'it might be said earlier or later (*Durant. de Rit.*).'—(*p.* 156).—*Rationale.* (*Edit.* 1722).

173.—From the above remarks it may be gathered that there has been, almost from the first, great difference of opinion, as well as of practice, with respect to the combination or division of the three Services of MORNING PRAYER, LITANY, and COMMUNION SERVICE; a diversity originating probably in the laxity of discipline in the early period of the Reformation, which doubtlessly gave rise to the order for their *union* we find put forward in CRANMER'S '*Reformatio Legum*' in 1552. The junction of these three Offices was indeed approved, although not practised, by ABP. PARKER in 1560; and was subsequently enforced, as we have seen, throughout the Province of York by ABP. GRINDAL in 1571. Since the *last Review* of the LITURGY (1662), and till very lately, the prevailing custom has also been to *combine* the Services, where the inference of such intention could be drawn from the Rubric: but the movement of the present day demanding an exact conformity to all and every thing prescribed by CANON, *and* RUBRIC, imposes a difficulty, which is not to be resolved by merely private judgment, but, in accordance with the directions of the Liturgy, should be submitted to Episcopal determination. The difficulty lies here:—The CANON (15.) directs the LITANY *alone* to be used on Wednesdays and Fridays, and makes no mention of 'Morning Prayer.' The RUBRIC requires that the LITANY shall be *preceded* by 'Morning Prayer,' and be so used on *Sundays*, as well as Wednesdays and Fridays; but does not clearly define whether the sequence is to be immediate, or whether a lapse of time shall interpose.

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174.—The consequence of this discrepancy is, that some Clergymen will follow strictly the CANON, and have *only* the LITANY on Wednesdays and Fridays. Others will consider they are acting correctly if they adhere closely to the *Rubric*, which, according to their interpretation, requires MORNING PRAYER at some early hour, followed by the LITANY any time before noon, on the appointed days, viz. *Sundays*, *Wednesdays*, and *Fridays*. While a third party conceives it to be more in accordance with the intentions of the Rubric to adopt the general custom of *not separating* the LITANY from the MORNING PRAYER; thinking that a CANON, sanctioned only by the King and Convocation, should yield to the superior authority of the *Liturgical* RUBRICS, which were ratified by the Imperial Parliament, as well as by the Clergy, and the Crown. And there is yet another section, who feel themselves at liberty, where not *restrained* by Rubric or Canon, to adopt arrangements of the Services, unsupported, so far as the Editor has been able to ascertain, by any authority beyond the private views of the individuals practising them. It cannot be supposed that mere expediency unsupported by Episcopal sanction can be held to be a sufficient plea for over-ruling established usages. Where circumstances may require additional opportunities of Public Worship to be provided in the Parish Church; and an alteration, therefore, of the duration of the usual Morning Prayer may be necessary; it is essential that the permission of the Bishop of the Diocese be first obtained, before effecting any separation of which custom has so long maintained to be the constituent part of "MORNING SERVICE.

175.—The more general practice where such division is now attempted seems to be for the Sunday to transfer the '*Litany*,' accompanied by a *Sermon*, or the *Catechizing of the Children* to the Afternoon or Evening: and for the '*Communion Office*' to be employed as a distinct Service either early in the Morning (about 8 *a.m.*), or after the "MORNING

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PRAYER. At all events, it is a recognized principle that the Bishop has the power to sanction and to authorize these changes in the order and arrangement of the Divine Services.

176.—The following is the scheme of the Services pursued at the Church of 'ST. BARNABAS,' *Pimlico.*

Sunday.

'½ to 8. A. M. Holy Communion.
' 9. . Matins with Sermon.
'11. . Litany, Sermon, Holy Communion.
' 3. P. M. Evensong, Catechizing.
' 7. . Evensong, Sermon.

Week-Days.

' 8. A. M. Matins.
' 8. P. M. Evensong. (Wednesdays, 7.)

Wednesday and Friday.

'12. A. M. Litany; (on Festivals, 11.)

Festivals.

' 7. A. M. First Communion.
' 8. . Matins.
'11. . Holy Communion and Sermon.
' 8. P. M. Evensong.

'Sermons on *Friday Evenings*, and on all *Vigils* and *Eves* 'Additional Sermons in Advent and Lent.'—(Extracted from S. BARNABAS' *Par. Ch. Guide.* 1852.)

177.—With respect to the discrepancy between the 15th *Canon* and the *Rubric*, we will quote one learned Ritualist—

ARCHDEACON SHARP observes on this point—'We cannot 'perform this Office (the LITANY), agreeably both to the old Ser-'vice-Book of King *James*, and our *present* restored LITURGY. For 'according to the former it is to be a distinct office, and to be used 'by itself; and what is more, it hath those very Collects annexed 'to it, which by our present Common Prayer Book are forbidden 'to be used at the same time when the LITANY is. There is no 'compounding these differences, or reconciling these contrarieties. 'But, when *Canon* and *Rubric* interfere with each other, we know 'which of them must take place. The *Rubric* is the standing rule 'to which we must conform ourselves. But nevertheless in so doing 'we answer the general intent and purport of the *Canons*; and 'that, in these cases, amply fulfils our obligations to them.'—(*p.* 100). *On the Rubrics and Canons.*—Charge, A. D. 1739.

178.—As regards the COMMUNION SERVICE, *Custom* seems to have regulated the time of its performanec even in former days; and it is *custom* only that has

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sanctioned its annexation in more modern times to the MORNING SERVICE and LITANY. There is no existing Rubric, or Canon, ordering its junction; nor can there be found any Rubrical or Canonical direction in force enjoining its *separation*. We have therefore some Clergymen conforming to long established usage; others pursuing the opposite extreme, having full *Communion* at one time united with the MORNING PRAYER and LITANY; at another with the LITANY only; and on a third occasion having the '*Communion Service*' apart by itself. With these persons also the *Lord's Supper* is administered weekly, or, it may be, daily, and at various hours; by some at the first Service early in the Morning, by others at Noon, and by another section in the Evening. There exists however a Liturgical authority, in the Prefatory remarks of the 'Prayer Book' respecting '*Ceremonies, &c.*', forbidding 'private men to pre-'sume to *appoint* or *alter* any public or common 'order;' and there is the OATH of '*Canonical obedi-ence*,' binding Clergymen to submit to their Bishop in these matters, as one 'lawfully called and authorized 'thereunto.' To decide such questions therefore, when any deviation from ordinary usage is in contemplation, it seems imperative upon us to fall back upon the Liturgy for guidance; and there will be found this 'good counsel, that 'the parties that so doubt or 'diversely take any thing shall always resort to the 'Bishop of the Diocese.'

179.—It is deeply to be regretted that the information on this question of any authoritative character is so meagre and unsatisfactory, probably therefore the opinions of some of our modern Rubricians, which are annexed, although they will be found to be of opposite tendencies, may not be unacceptable to the general Reader.

JOHNSON (of *Cranbrook*) writes:—'No *Clergyman* ought to think 'the *Liturgy* too long, tho' perhaps he may not have strength 'of body to read all that is prescribed to be read every *Sunday* '*Morning* at one breath, as is now commonly done, and then 'preach a Sermon, as is required. If it be necessary to ease himself,

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'he may do it by reading the three several Offices *at three several* '*times*, or however at twicè. I call them three separate Offices, for 'so they are: — 1. The *Morning Prayer* is the first, and this, in 'King Edw. VI's time, ended with the *Collect for Grace* which is 'properly to be used at the *beginning of the day*. The other 'Prayers have been added since, and are still directed to be omitted, 'when the *Litany* is used. — 2. The *Litany* is of itself, a distinct 'Office, and an excellent one too. Dr. *Comber* has observed, that it 'is almost *verbatim* the same with that used by the *Danish*, and 'other *Lutheran* Churches: (*Part* 2nd. p. 307). It is ordered to be 'said *after Morning Prayer*. What interval there shall be, is, I 'suppose, at the discretion of the Minister. The 15*th Canon* seems 'to direct the singing or saying of that by itself in the Church, on '*Wednesdays*, and *Fridays*. — 3. The *Communion Office*, is so 'distinct from the other two, that it is still commonly called, '*Second Service;* and there is no direction at what time of the day 'it shall be used, only Custom has determined it to be used in 'the Forenoon. In the time of King Charles I. Dr. *Heylin Hist.* '*Sab. Part*, 2. *cap.* 4. mentions *two Services for the Morning, on* 'Sundays *and* Holy-days, *the one beginning at Six a clock, the other* '*at Nine, though now* (says he) *by reason of the sloth, and backward-* '*ness of the people, in coming to the House of God, they are in* '*most places joined together*. I am well assured, that long since the 'Restauration in the Metropolitical Church of *Canterbury, Morning* '*Prayer* was read at Six a clock every *Sunday* in Summer, at seven 'in the Winter, at ten they began the *Litany*, and after a Voluntary, 'proceeded to the *Communion-Service*, and *Sermon*, and so it is, 'or lately was, at the Cathedral of *Worcester*. So then it appears, 'that the common practice of reading *all three together*, is an 'Innovation, and if an antient or infirm Clergyman do read them at 'two or three several times, he is more strictly conformable: 'However, this is much better than to omit any part of the Liturgy, 'or to read all three Offices into one, as is more commonly done 'without any pause or distinction.' (*p.* 11). — *Vade Mecum*, A. D. 1707.

Dr. Bennet remarks: — 'Since the Morning Prayer, the 'Litany, and the Communion Service, are now generally used at 'one and the same time, in one continued order, contrary to the 'first intention of our Church; 'tis highly reasonable, that a '*Psalm* should be sung before the Communion Service begins 'to relieve the Congregation, who (if they joined with due fervour), 'may be supposed something weary.' (*p.* 156.) — *Paraphrase on B. of Com. Pr.* Ed. A. D. 1708.

Bp. Bull, speaking of the junction of the Morning Prayer, and the Communion Service, says — 'I verily believe the first 'intention of the Church was that those *two Services* should be 'read at two several times in the Morning; but now *Custom and* '*the Rubric* direct us to use them both at the same time.' He then advocates the practice then in use of connecting them by 'singing an Anthem, or a Psalm.' — Charge *to the Clergy of St David's*. A. D. 1708.

Bp. Gibson, remarking on the subject of Psalmody, says:—'In 'the Church of England, whose Sunday-Service is made up of three

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'Offices, which were originally distinct, and in their natures are so, 'there is the greater need of the intervention of Psalmody, that the 'transitions from one Service to another may not be too sudden 'and abrupt.'—A. D. 1724. (quoted in *Clergyman's Instructor*, 3rd Ed. *p.* 309.).

L'ESTRANGE, in his observations upon the old *Rubric* (see (*b*) *page* 394) before the 'Communion Service,' supposes a short interval of time between the Morning Prayer, and Communion —'The '*Morning Prayer* and *Communion* were not continued as one entire 'Service, but abrupt, broken off, and *distinct*, each office from the 'other.....Whether or not the Congregation departed hence upon 'Sundays and Holy-Days after the end of Morning Prayer, and 'returned again to the Communion Service, I will not positively 'determine; I rather think not.'—He then speaks of the *ringing*, thus 'This *Bell* was usually rung in the time of the Second Service, '*viz.* the LITANY, to give notice to the people, not that the '*Communion Service*, as hath been supposed, but that the *Sermon* 'was coming on.....There being then, so apparent and visible a 'breach between the 1*st* and 2*nd* Service, the *Morning Office*, and 'the *Litany*, it is very probable, though the Assembly did not 'dissolve, yet was there such a ceasing and rest from sacred 'employments, as might give the Curate time in that interval, both 'to receive the names of such as intended to communicate, as also 'to admonish, and, in case of obstinacy, to repel scandalous persons 'from that ordinance.'—*Alliance*, p. 162, 163. (A. D. 1659.).

WHEATLY (*ob.* 1742) remarks upon this question:—'The 'particular *time of the day* when it (the 'LITANY') is to be said 'seems now different from what it was formerly: in King *Edward's* 'and Queen *Elizabeth's* time, it seems that it was used as 'preparatory to the Second Service.'.....(He here quotes the "*Injunctions*" of those Sovereigns (*See* (*a.*) (*g.*) above), and then proceeds).....'And even long afterwards it was a custom in several 'Churches *to toll a Bell* whilst the 'LITANY' was reading, to give 'notice to the people that the 'Communion Service' was coming 'on. And indeed till the *last Review* in 1661—2, the 'LITANY' 'was designed to be a *distinct Service* by itself, and to be used some 'time *after* the 'Morning Prayer' was over; as may be gathered 'from the *Rubric* before the 'Commination' in all the old Common 'Prayer Books [(*d.*) above].....This custom, as I am informed, 'is still observed in some Cathedrals and Chapels ('Worcester 'Cathedral, and Merton Coll. Oxford, where 'Morning Prayer' is 'read at 6 or 7, and the 'Litany' at 10.'—*a note*): though now, for 'the most part, it is *made one Office with the 'Morning Prayer;*' 'it being ordered by the *Rubric* before the 'Prayer for the King,' 'to be read after the 'Third Collect for Grace,' instead of the 'intercessional Prayers in the 'Daily Service.' Which Order seems 'to have been formed from the *Rubric* before the 'Litany' in the '*Scotch Common Prayer Book* [(*k.*) above].....And accordingly we 'find that, as the aforementioned *Rubric* before the 'Commination 'Office' is now altered, *both the 'Morning Prayer' and 'Litany' 'are there supposed to be read at one and the same time.'* (*p.* 166.)—Speaking of the alteration in the Rubric before the COMMUNION SERVICE (from (*b*) *to* (*o*) *above*), he adds—'The design of this 'alteration was not that both Offices should be united in one, but

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'that the Curate might have a more competent time to enquire of, 'and consult with, those that offered themselves to Communicate. 'The Offices are still as distinct as ever, and ought still to be read 'at different times' (*p.* 293): and he concludes with the comments of Bp. Overall's *Chaplain*, quoted above.—*Rat. Ill. of Common Prayer*. Dr. Corrie's *Edit.*

Shepherd (*ob.* 1805) says:—'Morning Prayer is an office 'as distinct from the Communion, as *Evening Prayer* is; and since 'the Reformation, the length of time between the end of the 'Morning Prayer and the Communion, was more than equal to the 'interval between the ending of the Communion and the beginning 'of Evening Prayer. Supposing that Morning Prayer, which 'generally began soon after 6, was over by 8, and that the 'Communion Service commenced at 11, there was sufficient time 'for those that had not over night signified their names to the 'Curate to do it after Morning Prayer, and before the Communion.' (*Vol.* ii. *p.* 152.)—And when he comes to the Prayer for the King, he adds:—'The Communion being an Office distinct from them '(the '*Morning Prayer*,' and '*Litany*'), and originally performed 'at a different hour, it was proper that a Prayer for the King 'should be inserted here likewise.' (*ib.* 175.)—*Elucid. of Book of Com. Pr.*

From many living authorities may be quoted the following:—

The Bishop of London's opinion, advocating the use of the '*Litany*' by itself has been already given. (See *page* 328.)

The Bishops of British America, in their 'Conference' held at Quebec in 1851 (see *Note* page 293), passed the following decree upon this question —'We are of opinion that the Bishop, as 'Ordinary, may authorize the *division of the* '*Morning Service*,' by 'the use of the Morning Prayer, Litany, or Communion Service, '*separately*, as may be required; but that *no private Clergyman* '*has authority*, at his own discretion, *to abridge or alter the Services* 'or Offices, or to change the 'Lessons' of the Church.'—*Eccl. Gazette.* May, 1852.

The Metropolitan, and Bishops of Australia, in their 'Conference' held at Sydney in 1850 (see *Note* page 293), decreed as follows:—'We are of opinion that the Bishop of each Diocese, as 'Ordinary, has a discretion to authorize Clergymen, in cases of 'necessity, to *divide the* '*Morning Service*,' by using either the 'Morning Prayer, the Litany, or the Communion Service, *separately*; 'but that each of the Services so used be read entire.'—*Eccl. Gazette.* June, 1851.

The late Bishop of Down and Connor (*Dr. Mant*) states:—'Originally it (the *Litany*) was intended for a *distinct Service*: to 'come after the 'Morning Prayer,' as the Rubric of our Liturgy 'still directs, and before the Office for the 'Communion,' at a 'proper distance of time from each: of which custom, a few 'Churches preserve still, or did lately, some remains. But in the 'rest, convenience or inclination hath prevailed to join them all 'three together; excepting that in some places there is a *Psalm* 'or *Anthem* between the first and second; and between the second

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'and third, almost every where; besides that the latter part of 'the Morning Prayer is, most of it, ordered to be omitted, when 'the *Litany* is said with it. But still by this close conjunction 'many things may appear improper repetitions: which, if the 'Offices were separate, would not.....To these (*repetitions*) all 'persons would easily be reconciled, if an interval were placed, 'in their minds at least, between the Services; and they would 'consider each, when it begins, as a new and independent one, 'just as if it were a fresh time of meeting together.' (*p.* 60.)—*Com. Prayer.*

The late Rev. J. J. BLUNT (*Margaret Professor of Divinity, at Cambridge*) says:—'The *time of day* at which the Offices of the Prayer 'Book,...were performed, is not easily determined; and peremptorily 'as some have asserted that our MORNING SERVICE for Sundays 'consists of *three entire Services* intended for three several hours 'of Prayer, and extravagantly long, merely owing to this clumsy 'consolidation of them all, it would not be easy to prove that such 'division did ever in fact obtain. Two Services probably are 'united; the MORNING PRAYER, strictly so called, being one; the 'LITANY *and* COMMUNION the other; but that the two latter again 'were ever separated seems very doubtful, or, indeed, that the first 'continued for any great while after the Reformation to be severed 'from the rest. That such was the case originally there are many 'reasons for believing. It naturally succeeded to the *Matins* of the 'Roman Catholic Church, as the *Litany and Communion* did to the '*High Mass*; and it would therefore be very likely that the hours 'in either case would also correspond.'.....After adverting to the old Rubric indicating an interval before the Communion Service, the Professor adds—'There are reasons still more satisfactory for 'thinking that the LITANY was succeeded by the *Communion* '*Service without any pause* whatever.....Indeed the *Communion* '*Service* could scarcely fail of being annexed to the *Litany*, since 'it soon came to pass that the former was seldom read throughout, 'the *Sacrament* ceasing to be administered weekly.....When there 'were persons to communicate (which the Rubric seems to presume 'would always be the case on Sundays), the *Litany* and *Communion* '*Service* went together; and that when there were none such, 'still the *Litany* was immediately followed by the *Communion* '*Service* as far as to the end of the "Prayer for the whole State of 'Christ's Church Militant.".....But.....within the first century 'after the Reformation the Church seems to have lapsed into the 'present practice, and to have *combined its Services into one*.....The 'length of our Church Service, therefore, of which we now hear so 'much, and the repetitions it contains, are evils, if evils they be, 'which have been practically existing almost from its first 'formation; which a Hammond, a Sanderson, and a Taylor could 'tolerate without a complaint, but too happy, (as were then their 'Congregations also, for those were not fastidious days) if they 'were permitted in their secret assemblies to give utterance to these 'burning words with which the great Reformers had furnished 'them.' (*p.* 214—218.)—*Sketch of the Ref.*

ARCHDEACON HARRISON, speaking of the usage in the time of ELIZABETH, says:—'The ordinary Service consisted then, precisely 'as now, of MORNING PRAYER, LITANY, and COMMUNION, '*immediately following each other* (*p.* 262.).....The only question,

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'in fact, is in regard to the MORNING PRAYER—whether it were 'performed at an earlier hour than the LITANY *and* COMMUNION; 'and the single ground for the supposition that such was the case, 'is in the first *Rubric* before the COMMUNION, as it stood before 'the last Review. (*p.* 265.).....The great inconvenience of such a 'practice (an interval between MORNING PRAYER, and LITANY and 'COMMUNION) in most places, in country Parishes in particular, 'would effectually stand in the way of such an arrangement '(*p.* 267.).....In rural Parishes especially, and where a large 'proportion perhaps, of the population have their dwellings at a 'distance from the Church, the performance of the several Offices 'at *distinct times* would obviously exclude the greater part of the 'Congregation from attendance at the whole Service (*p.* 268.)..... 'Finally, the whole SUNDAY MORNING SERVICE as now performed 'in all our Parochial Churches, consisting of Morning Prayer, 'Litany, Communion Service, and Sermon, is really performed 'according to the intention of our Church and its Authorities, from 'the very time of the Reformation.' (*p.* 273.)—*Historical Inquiry.*

DR. HOOK observes:—'In the original arrangement, the *Litany* 'formed a *distinct Service*, not used at the time of the other Services. 'But by later usage it has been *united* with the Morning Prayer, 'though still retaining its separate place in the Prayer Book'..... (After quoting the old *Rubric* of 1549, and *Canon* 15, he proceeds)... 'The ordinary arrangement was to hold Morning Prayer at 8 '*o'clock*, the Litany and the Communion at 10. This practice is 'still observed in some of the English Churches.'—*Church Dict.* 6th *Ed.* Art. LITANY.

REV. J. JEBB remarks:—'The original custom of the Church, 'Eastern and Western, was to celebrate the *Matins* and the '*Communion* at different hours. (*p.* 227.).....In *country Parishes*, 'where the population is scattered, this *division* might have 'the effect of inducing a neglect either of the Morning or the 'Communion Service, since attendance on both would often be 'impracticable. But in Towns, and in Cathedral cities especially, 'this objection does not exist, from the nearness of the inhabitants 'to the Churches. (*p.* 228.).....If the *Litany* is to follow Matins, 'the custom of the Church has not interpreted this to mean that 'it is to follow it without an interval of time, but merely, that 'the Matin Service is to be the first in order, and that it is *not* '*to be omitted* on Litany days. (*p.* 401.).....It (the *Litany*) is to 'be said after Morning Prayer. That is, the Morning Prayer is 'to be first in order of time: but nothing warrants us to suppose 'that the *Litany* is to be read in immediate sequence. On the 'contrary, the strongest authorities exist for the *dissociation* of 'the two Services, when expedient.' (*p.* 432.).....After referring to the times of Abp. Parker in 1560; and to the use of the LITANY as a *separate Service* in the Universities, at Convocations, Coronations, and Confirmations, as well as in some Cathedrals, he proceeds:— 'Nothing can be argued from the practice of our Parish Churches 'in this respect. Convenience, or what is esteemed such, in some 'instances, and a love of unvarying monotony in others, has 'very generally caused the junction of the Services. That their '*dissociation* would be inconvenient in most country Parishes, 'is evident. But the argument is not against the lawfulness of

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'combining the Services, but for the *lawfulness of separating them.*' (*p.* 438.)—*Choral Service.*

REV. T. LATHBURY says:—'It is clear the LITANY was read 'alone on those days (Wednesdays, and Fridays), at that time '(at the accustomed hours of Service), as is still the case in some 'College Chapels, though such a course is *not now authorized* 'by the Book of Common Prayer; for since the last Review it is 'appointed to be said '*after* Morning Prayer.' (*p.* 195.).....It has 'been argued that the Reformers intended the *Communion Service* 'to be used at a different time from the 'Daily Prayers.' This 'assertion is often made by those, who wish to remodel the Services 'of the Church; and many who have no such wish, take it for 'granted, that the assertion is correct. It is, however, altogether 'erroneous. The Services *never were separated*, nor were they ever 'intended to be so. From the period of the Reformation the 'Communion Service has succeeded the 'Daily Prayers,' as is 'the custom at present. Undoubtedly, some of the Clergy were 'accustomed to separate them in the time of Queen ELIZABETH; 'but the practice was checked by an injunction of *Abp. Grindal's* '(*quoted above, p.* 378.).....The only Services which were formerly 'separated were the 'Daily Morning Prayer,' and the *Litany.* 'Until the last Review, the *Litany* was read alone in some places; 'though I cannot conceive on what authority.....There appears 'to have been no authority for the *substitution* of the Litany in 'the room of the Morning Prayers.....Whether the Litany was 'intended to be said at a *different time* of the day is another 'question.' (*p.* 395.—*Hist. of Convocation.*) In a more recent Work this Author remarks:—'*Grindal* had been concerned in all the 'transactions of the Reformation, and well knew the intentions of 'the Reformers. He knew that a *division* was contrary to custom, 'and the intentions of the Reformers. Undoubtedly the practice 'which he enjoined was agreeable to those intentions. Though 'no objection might be raised to a division of the Service by 'competent authority, yet it is not correct to plead the example 'of the Reformers in its favour. In the first Occasional Form in 'this reign, published in 1563, the Minister was directed to exhort 'the people to spend a quarter of an hour, or more, in private 'prayer, between the *Morning Prayer* and the *Communion.* This 'practice, if continued for any time, was probably found inconvenient. 'At all events, it was discontinued. In all subsequent Occasional 'Forms, the *Morning Prayer*, *Litany*, and *Communion Service* were 'printed as one continuous office, to be used without division or 'intermission. The mistake, which has been so often made, 'undoubtedly arose from not considering the various steps by which 'the reformation of the Offices was carried on. For some time 'the *Litany alone* was used in Churches as supplemental to the 'Romish Services. Then the order of *Communion* was introduced, 'to be used with the Office of the Mass. After more than two 'years from Edward's accession, the whole Book of Common 'Prayer, comprising, with the Morning and Evening Service, the 'Litany and the Communion Office, was put forth and enjoined 'to be said in all Churches; but *no separation*, or saying one part at 'one time and another at another, was even contemplated. Not 'a particle of evidence in support of such a notion can be collected 'from the history of the period. The assertion, however, has been

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'repeated from one to another without inquiry, till many actually 'suppose that it is a truth. In all books previous to the last 'Review, the Rubric ordered that persons who intended to 'communicate should give their names to the Curate "over-night, "or else in the morning before the beginning of Morning Prayer, "or immediately after." It has been inferred from this Rubric 'that the people left the Church for a time. Overall is quoted 'by Wheatly for such a custom at York and Chichester; and 'Johnson of Cranbrook, mentions a similar practice in another 'place. But such instances were merely exceptions to the general 'rule, and prove only that irregularities existed. In such a case, 'the practice since the Reformation is the best interpreter of the 'Rubric; and this is ascertained from the Occasional Forms from '1563, and from the Visitation Articles of numerous Bishops. Yet 'neither Wheatly nor Johnson resorted to this mode of inquiry. 'On this point, the evidence of the Forms and the Visitation 'Articles is conclusive. They prove that the Reformers never 'intended a division; that they and their successors, down to the last 'Review in 1661, never understood the words "immediately after" 'to mean that the Communion Office should be used as a separate 'service at a different time (*p.* 80.).....Some Clergymen were 'accustomed to abridge the *Morning Prayer*, and even to omit 'the *Litany*, or the usual portion of the *Communion Office;* and 'hence, probably, arose the notion of three distinct forms, intended 'for use at separate times. This irregularity, however, was 'checked by the Bishops. (*p.* 83.).....A division of the Service, 'therefore, would be a deviation from the practice of the Reformers. 'It would involve the condemnation of their arrangements; and 'on this ground alone, apart from the practical difficulties which 'would stand in the way of such a change, the subject should 'not be entertained by Churchmen. When it is said that no *Rubric* 'prohibits a division in express terms, it may be replied, that it 'imposes the performance of the Service on the Clergy in such a 'way as to render a division impossible.' (*p.* 84.)—*Hist. of Book of Com. Prayer.*

Rev. J. C. Miller (*Rector of St Martin's*, Birmingham), in a printed Address to his Parishioners proposing changes in the arrangement of the *Sunday Services* (dated *Dec.* 26, 1851), after remarking 'that these alterations will, in some measure, break in 'upon long established habit—though in no case upon the order 'of our Church,' adds —'It is a great satisfaction to me to be 'permitted to inform you that the proposed arrangements have 'been submitted to our respected Diocesan, the *Bishop of Worcester*, 'and have his full sanction, as in no respect violating the order 'of the Church. His Lordship entered most kindly into my views, 'and, without a moment's hesitation, allowed me to state that he 'concurred. The Bishop particularly approved of the plan being 'regarded as an *experiment*.....Our ordinary '*Morning Service*' 'consists of a combination of Services, which were not originally 'intended to be used together. And a large number of the Clergy 'and Laity have, from time to time, expressed a wish that this 'Service might be *divided*, in accordance with the original design of 'the framers of the Prayer Book. For *Invalids, Aged Persons*, 'and for *Children* especially, it is found too long. Another evil in 'our present course.....is, that a very large number of our present

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'worshippers—*Domestic Servants*, and others—who can only attend 'either AFTERNOON, or EVENING SERVICE, are completely shut 'out from some of the most important and edifying parts of our 'admirable LITURGY—for example, the *Litany*, and the whole of 'the *Communion Office*, including God's *Ten Commandments*. I 'believe that among *regular attendants* at our Church, not a 'few might be found who never join in the *Litany*, or hear the '*Commandments* from one year's end to another. Surely this is 'an evil.' MR. MILLER then proposes as follows*:—

'1. *The shortening of the present Morning Service.*—This, it is 'believed, will be a great comfort to Invalids, Aged Persons, and 'Children. The evil of our present length of Service to Children 'can hardly be exaggerated, as Sunday School Teacners well know.

'2. *The securing an additional Service and Sermon* in a Parish 'where the Church accommodation is so utterly inadequate for the 'population. It is hoped that this will also be a great accommodation 'in family arrangements, as facilitating the attendance of SERVANTS.

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* The following arrangements formed the experiment put on trial.

First Sunday in the Month.

'9½ *o'clock.* 'MORNING PRAYER and SERMON, without *Litany* 'and *Communion Service.*
'11 *o'clock.* 'LITANY, COMMUNION SERVICE, SERMON, and 'LORD'S SUPPER.
'3½ *o'clock.* EVENING PRAYER (*as at present.*).
'6½ *o'clock.* EVENING PRAYER (*as at present.*).

Second Sunday in the Month.

'9½ *o'clock.* 'COMMUNION SERVICE and LORD'S SUPPER. *No* '*Sermon.*
'11 *o'clock.* 'MORNING PRAYER, LITANY, and SERMON, 'without *Communion Service.*
'3½ *o'clock.* 'LITANY *only*, and SERMON to Children and 'Young Persons.
6½ *o'clock.* EVENING PRAYER (*as at present.*).

Third Sunday in the Month.

9½ *o'clock.* 'MORNING PRAYER and SERMON, without *Litany* 'and *Communion Service.*
'11 *o'clock.* 'LITANY, COMMUNION SERVICE, and SERMON.
'3½ *o'clock.* 'COMMUNION SERVICE, SERMON, and LORD'S 'SUPPER.
'6½ *o'clock.* EVENING PRAYER (*as at present.*).

Fourth Sunday in the Month.

'9½ *o'clock.* COMMUNION SERVICE, and SERMON.
'11 *o'clock.* 'MORNING PRAYER, LITANY, and SERMON, 'without *Communion.*
'3½ *o'clock.* 'EVENING PRAYER, and SERMON (*as at present.*).
'6½ *o'clock.* 'LITANY, COMMUNION SERVICE, and SERMON.

*** 'When there are *Five* SUNDAYS in the Month, the 'arrangements for the *Fourth* will be repeated on the *Fifth*.'

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'3. *The bringing* ALL *our Services, as far as possible, within the reach of all classes.* It is hoped that Servants—many of the Working Classes—Wives who have the little Sunday dinner to attend to later in the morning—and who are now shut out from the '*Te Deum*,' '*The Litany*,' and the '*Communion Office*'—will find their privileges greatly increased, and enjoy in our incomparable LITURGY much of which they have been *practically* deprived.

'4. *The facilitating the attendance of* SERVANTS, *and of the Working and Poorer Classes at the* LORD'S SUPPER, *by an* AFTERNOON *administration of it Monthly.*—It is to be feared that the sadly scanty attendance of these Classes at the HOLY COMMUNION is to be traced, in some measure, to the circumstance that the *Communion* is never administered in the AFTERNOON. Such is the opinion of many experienced Parish Clergy.'

The experiment was attempted during a course of Six Months, when we find in a second Address (dated *June* 25th, 1852), a detail of its result; stating that—'All of these (the propositions given above) have been realized, except the *second*. The *Early Service* has proved an entire failure, and will be discontinued. After a trial of six months, it is clear that it does not fall in with the habits of *any class* of the Parishioners.'—A new scheme is then proposed, which introduces a Monthly *Evening Communion*, so as to 'give *all* classes an opportunity of coming to the *Lord's Table*.' The Address then proceeds to say, that 'entire *uniformity* cannot be carried throughout, without sacrificing much that is essential to the plan. Certain Services *must be given in the day*, and certain *Rubrics* observed as to their order.....The former plan was seriously objectionable as depriving the Morning Congregation, on alternate Sundays, of the PSALMS, and LESSONS. This is now remedied; and I believe that you will all concur in the desirableness of letting our 11 *o'clock* Service contain *uniformly*, the MORNING PRAYER. By substituting the COMMUNION SERVICE for the LITANY on the occasion of the Service to *Children*, we avoid having a Service without a portion of Scripture in it; and, at the same time, get a Service better adapted for the children, and containing in it the *Ten Commandments*.....Is not any little breach of *uniformity* compensated by practically shewing, and practically employing, an *elasticity* in our Prayer Book, which has hitherto been in abeyance? Let us distinguish between the great vital truths of that Prayer Book—the foundations of our "most holy faith"—*and the practical working of our means and machinery.* The former are immutable, for they are the truths of God, and of His imperishable Word. No changes in our social habits or condition can alter or modify these. But the other—our means, our machinery, *the time and arrangement of our Services*—we may adapt (and will it not be our wisdom to adapt them?) to the wants and convenience of our day.....' To these remarks is annexed the following arrangements of the *Sunday Services*, amended from the original scheme; and which has been found not only to work exceedingly well, but to have given so much satisfaction that it has continued to be adopted up to the present day. (*Priv. Letter.*)

The following is the new arrangement referred to as still in use:—

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First Sunday.

'I. MORNING PRAYER, *omitting Litany*, COMMUNION SERVICE, SERMON, LORD'S SUPPER.
'II. EVENING PRAYER, SERMON.
'III. LITANY, COMMUNION SERVICE, SERMON.

Second Sunday.

'I. EARLY COMMUNION. *No Sermon.*
'II. MORNING PRAYER, LITANY, SERMON.
'III. COMMUNION SERVICE, SERMON *to Young*, or CATECHIZING.
'IV. EVENING PRAYER, SERMON.

Third Sunday.

'I. MORNING PRAYER, LITANY, SERMON.
'II. COMMUNION SERVICE, SERMON, LORD'S SUPPER.
'III. EVENING PRAYER, SERMON.

Fourth Sunday.

'I. MORNING PRAYER, LITANY, SERMON.
'II. EVENING PRAYER, SERMON.
'III. COMMUNION SERVICE, SERMON, LORD'S SUPPER.

Fifth Sunday.

'I. MORNING PRAYER, LITANY, SERMON.
'II. LITANY, COMMUNION SERVICE *without Lord's Supper*, SERMON.
'III. EVENING PRAYER, SERMON.'

REV. W. PALMER considers the LITANY—'in three points of 'view. First, as a *termination* of the Office of Morning Prayer..... 'Secondly as a *distinct* Service, said after the Morning Prayer..... 'Thirdly, as an *introduction to* the Liturgy or Communion Ser- 'vice.' (i. 315.)—*Orig. Lit.*

REV. J. C. ROBERTSON says:—'As the practice of uniting the 'Services began so early, and has not been censured or discoun- 'tenanced by the later Revisers of the Prayer Book, we need not 'doubt that it is sufficiently sanctioned; while, on the other hand, 'it is evident that a *distinctness* was originally provided for, and '*still remains lawful.* Whether the first Compilers of our Liturgy 'contemplated the union, is not altogether clear; that they did so 'is not improbable, as they had before them the fact that the Latin 'Offices were in practice consolidated;.....It appears that the '*Litany* and the *Communion* were always used as parts of the 'same Service.....The Rubric of 1662, by which it is for the first 'time ordered that the *Litany* be said '*after* Morning-Prayer,' 'was not intended to preclude a division of these Offices.' (*p.* 129.) —*How shall we Conf. to Lit.*

REV. E. SCOBELL, speaking of the *Communion*, argues—'From 'the first the 'Communion Service' was intended to be a *distinct* 'and *separate* Service' (*p.* 7.):—and, after a discussion of the 'Offertory' question, he deduces certain considerations, the first of which is—'That by Church custom alone, which clearly therefore 'is held to be of some authority, the *three distinct* Services, 'Morning Prayer, the Litany, and the Communion, are *compressed*

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'*into one.* (*p.* 8.).....The *separate* public saying of the LITANY 'on Wednesdays and Fridays, assuming the Matins to have been 'read before, either in Church or at home, is both by *Canon* and '*Rubric*, though with a very limited obligation, laid on the people.' (*p.* 29.)—*Thoughts on Ch. Subjects.*

DR. WORDSWORTH, commenting upon Mason's Sermon preached at Norwich in A. D. 1605, states,—that it 'sufficiently implies that 'ordinarily at least in those times, the MATINS, LITANY, and 'COMMUNION Office, were *not* solemnized as *separate Services* at 'different times of the day, but were used as *one Service con-* '*tinuously.*' And in a note he adds—'Notwithstanding the common 'notion to the contrary, I believe it would not be difficult to prove 'satisfactorily, that in *Parish Churches* it was never otherwise in 'England after the Reformation.'—*Christian Institutes* IV. 483.

MR. A. J. STEPHENS (*Barrister-at-law*), writes:—'The *Morning* '*Service*, *Litany*, and *Communion Service*, are three distinct services; 'for they are to be performed at distinct places and times. The '*Morning Service* is, as appears in the third Collect for Grace to be 'said at the *beginning* of the day; that is, according to St Chrysostom, '*πρωία*, which is translated, *St Matt.* xxvii. 2., "in the morning," '*St John* xviii. 28., "early," and *St Mark* xiii. 35., "the dawning of "the day." The place for it says the Rubric before Morning Prayer, 'is the accustomed place in the Chancel or Church, or where the 'Ordinary shall appoint. That the *Litany* is no part of the Morning 'Service appears from the Rubric at the end of Morning Prayer. 'Nor is it any part of the Communion Service; for that begins with 'the Lord's Prayer, and the Collect, "*Almighty God*," &c., and is to 'be said after the Litany.....The time for it is a little before the 'time of the Communion Service. (*Inj.* 18 *Eliz.*). The usual hour 'for the solemnity of the *Communion Service*, was anciently (and so 'should be) nine o'clock in the morning. (*Conc. Aurel.* 8. can. 11.). 'This is the canonical hour (*De Consecr.* Dist. 1. c. *Et hoc;*), thence 'probably called the holy hour. (*Decret. Dist.* 44. circa *fin.*). In 'case of necessity it might be said earlier or later (*Durand.* de 'Ritibus;), but this was the usual and canonical hour for it. One 'reason that has been assigned for this is, that at this hour began 'our Saviour's Passion (*Mark* xv. 25.), the Jews then crying out, "*Crucify*," &c. At this hour, therefore, is the Communion Service '(part of which is the commemoration of Christ's Passion) performed. 'Another reason given is, because at this hour the Holy Ghost 'descended upon the Apostles. (*Acts* ii. 15.). Lastly, because it is 'the most convenient hour for all to meet, and dispatch this with 'other Offices, before Noon. For till the Service was ended, men 'fasted; and therefore it was thought fit to end all the Service 'before Noon, that people might be free to eat. (*Durand.* lib. ii. 'c. 7.).....The Offices are still as distinct as ever, and ought still to 'be read with a considerable interval of time between them—a 'custom which was observed in York and Chichester in 1712 '(NICHOLL's on the Common Prayer, *Additional Notes*, 36.); and the 'same practice prevailed at Canterbury long after the Restoration. '(WHEATLY on the *Common Prayer*, 252.). The Services are still 'so divided at several of our Cathedrals,—with this difference among 'them, however,—that at some the *Matins* are performed at 7 'o'clock A. M., the *Litany* followed by the Communion, commencing

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'at 11 *o'clock* A.M.; while at others, the *Litany* immediately follows 'Matins, which being also performed at 7 *o'clock*, the Communion 'alone is celebrated at 11 *o'clock*.' (*p.* 1044.)—*On Book of Common Prayer.*

THE QUARTERLY REVIEW, when discussing the ordinary 'Communion Service,' (*i. e.* where there is no Communion), which it designates the '*Altar-Service*,' declares—that it 'is not by any 'Rubric enjoined, and was not in fact designed, to form any part 'of the 'Morning Service,' to which it has been in modern times 'appended. There were *four* Services established in the Reformed 'Church—*Morning* and *Evening* Service, in theory at least, every 'day—on WEDNESDAYS and FRIDAYS, the *Litany*—on ordinary 'SUNDAYS and Holy-Days an *Altar-Service*—and on Communion 'days the full *Communion Service*. The distribution and hours of 'these Services were, as far as we know, as follows:—the MORNING 'and EVENING SERVICE, called in King's Edward's first Book, 'Matins and Evensong, were the *first* and *last* works of the day; 'on Wednesdays and Fridays, the LITANY was said at *any time* '*after* Matins, and on Sundays at any time *before* the noon or 'Altar-Service; then on Sundays and Holy-Days came—after the 'Litany, and generally but not, by Rubric, necessarily at the same 'time—the COMMUNION; but when the actual celebration of the 'Lord's Supper was not intended, this Communion became what we 'have called the '*Altar-Service*,' and ended with the Prayer for the ''Church Militant,' and the Benediction. Now it is remarkable 'that each of these Services, which were originally distinct, has 'within itself the elements of a complete Liturgy—and the Liturgical 'Reformers of ten years ago, who censured our ordinary Liturgical 'Service as tautologous, and the ultra-Rubricians of the present 'day, who insist on a simultaneous observance of Rubrics originally 'intended for *three distinct Services*, are equally unreasonable. It 'is only when the Services come to be performed all at one time 'that their objections have any plausibility. *There is no Rubric, 'and no other reason than the personal convenience of the Minister 'and the Congregation, why* MATINS, and the LITANY, and the 'ALTAR-SERVICE—each of which is both in matter and form 'perfectly distinct—*should be of the Sunday Mornings joined 'altogether and executed in immediate succession;* the authors of 'the Rubric meant—the Rubrics at least indicate that meaning—'that they should occur at intervals.* In many cases the practice

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* 'There is indeed a notice at the end of the third Collect '(inserted in 1661), by which it might be understood that the 'Litany *must* form a part of the Morning Service on Sundays, 'Wednesdays, and Fridays; but though the Litany must be used on 'those days, and, if used *with* the Morning Service, must come in 'after the third Collect, *we do not see that the junction of the Services 'is imperative*, and we ourselves have heard them disjoined and 'separately performed by very accurate Rubricians; but there has 'been a great variety of practice in all these matters. The early '*Injunctions* connected the Litany and the Communion; but were 'not repeated. ABP. GRINDALL, in 1571, directed that in York 'there should be no pause between Morning Service, Litany, and 'Communion (STRYPE'S *Life*, p. 168.); but how far this extended, 'or how long it lasted, we know not.'—*Note of the* QU. REV. *in loco.*

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'of *intervals* has survived, particularly in Colleges and Cathedrals, 'where the primitive custom was most likely to be preserved; we 'could, but need not, quote particular instances. But very wisely, 'we think, has it been generally arranged *to unite*, on Sundays and 'Holy-Days, *the three earlier Services in one.* We will not enter 'into all the reasons that may be assigned for this union of Services. 'We are satisfied that, particularly on the SUNDAYS, and in common 'Parish Churches, it is highly beneficial, and that *it would be* '*seriously injurious to the religious interests of the people if any* '*ultra-Rubrician should insist*—as he might, with as much reason 'as can be alleged for him in some other particulars—*on performing* '*all these Services distinctly and separately.* Yet the union of the 'Services, though on the whole beneficial, is not without some 'drawbacks.....The most remarkable in this case is the tautology— 'the reiteration of Prayers for the same object. For instance '(and which marks very strongly the original *distinctness* of each 'formula), the Sovereign is prayed for at least *four*, and might 'be *five*, different times, whenever the united Service is performed: 'first in the Morning Prayer—then in the Litany—then in the 'Collect of the Communion Service—then in the Prayer for the 'Church Militant—and finally, a *fifth* time, if the *Canon* were to be 'strictly complied with, in the 'Bidding Prayer' from the Pulpit; 'and the 'LORD'S PRAYER' might be repeated *seven* or *eight* times. 'This Prayer cannot, we feel, be said too often; it can never weary, 'nor cloy.....We only notice the fact as showing that we have 'made a union of Services, which, however advantageous in other 'respects, retains some traces of their original separation; and of 'this the 'Church Militant' Prayer is another example. That 'Prayer is, as we may call it, the *Litany* of the 'Communion 'Service:' and if the Altar-Service were (as it seems to have been 'originally intended) performed as a separate Service, would be 'indispensable; but when the Services are united, it is anticipated 'in every point, except one,* by the preceding Services; and the 'framers of the Rubric which seem to direct its use, 'when there 'is no Communion,' could hardly have intended that it should be 'used in the same Service, and by the same Congregation that had, 'half-an-hour before, made the same requests in the general 'Litany.....Is was most probably not intended that the Litany and 'the 'Church Militant' Prayer should be said in the same Service, 'unless there was a Communion.' (*p.* 256—9.)—No. cxliii. *May* 1843.

Of Ceremonies.

¶. '*Why some be abolished, and some retained.*'—(1549—1662).

180.—CEREMONIES are the external forms and actions employed in religious worship, and in

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* '*We bless Thy holy name for all Thy Servants departed this* '*life in Thy faith and fear.*'

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administering the Rites and Services of the Church for the sake of decency and good order. Under the term 'CEREMONY' is comprehended according to HOOKER, every *movement*, *gesture*, and *position*, to be seen in the conduct of Divine Service (*Ecc. Pol.* Bk. III. xi; Bk. IV.). With others, as DR. NICHOLLS, it is of a more limited signification, and confined to the *Cross* in Baptism, and the Marriage *Ring*. (*Com.* on B. of C. P. *in loco.*). We will here take the medium and more usual application, and discuss under 'CEREMONIES,' such as may be found enjoined in the CANONS, and in the RUBRICS of the present Liturgy; adverting also to a few others that have been either sanctioned by long-established custom, or revived by modern usage. It will be necessary, in bringing under one view the Ecclesiastical and Statute Laws bearing on this subject, to repeat in some measure what may have been already advanced in preceding pages, which the Reader will doubtlessly excuse.

181.—First then, all CEREMONIES we acknowledge to be of human appointment; and in our ARTICLES we assent to the doctrine that they may be prescribed, changed, or abolished, by the *authority of the Church*, and by this alone; thus—

'The CHURCH hath power to decree Rites and *Ceremonies*,..... '(not) contrary to God's word written'.....ART. XX.

'.....Every particular or *National* CHURCH hath authority 'to *ordain*, *change*, and *abolish* CEREMONIES or Rites of the 'Church ordained only by man's authority, so that all things be 'done to edifying.'—ART. XXXIV.

182.—*Impugners* of CEREMONIES thus ordained incur the risk of *Ecclesiastical censures*, as is laid down in the 6th CANON (of 1603—4), which is now binding upon the Clergy of the Church of England:—

'Whosoever shall hereafter affirm, that the *Rites* and '*Ceremonies* of the Church of England by Law established 'are wicked, antichristian, or superstitious, or such as, being 'commanded by lawful authority, men, who are zealously and 'godly affected, may not with any good conscience approve 'them, use them, or as occasion requireth, subscribe unto 'them; let him be excommunicated *ipso facto*, and not restored 'until he repent, and publicly revoke such his wicked errors.'—CANON 6.

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183.—And it is important to remember, that no *private person* is at liberty to *add to* the prescribed CEREMONIES, or *alter* them, or *diminish* from them. This is enjoined in the Prefatory remarks of the BOOK OF COMMON PRAYER under the head we are now discussing; and which were introduced in the *First Liturgy* of Edward VI. (1549), after the 'Commination Service:' thus—

'Although the *keeping* or *omitting* of a CEREMONY, in 'itself considered, is but a small thing; yet the wilful and 'contemptuous transgression and breaking of a common Order 'and Discipline is no small offence before God. 'Let all things 'be done among you,' saith St Paul, 'in a seemly and due 'order;' the appointment of the which Order *pertaineth not to* '*private men; therefore no man ought to take in hand, nor* '*presume to appoint or alter* any Public or Common Order in 'Christ's Church, except he be lawfully called and authorized 'thereunto.'

This is confirmed in the ARTICLES:—

'*Whosoever* through his *private judgment*, willingly and 'purposely, doth openly break the Traditions and *Ceremonies* 'of the Church, which be not repugnant to the Word of God, 'and be ordained and approved *by common authority*, ought to 'be rebuked openly, (that others may fear to do the like), as 'he that offendeth against the common order of the Church, 'and hurteth the authority of the magistrate, and woundeth the 'consciences of the weak brethren.....'—ART XXXIV.

The same rule is found enforced in the CANONS of 1603—4: thus;—

'All ministers likewise shall observe the *Orders*, *Rites*, and '*Ceremonies* prescribed in the Book of Common Prayer, as well 'in reading the Holy Scriptures, and saying of Prayers, as in 'Administration of the Sacraments, *without either diminishing* 'in regard of Preaching, or in any other respect, *or adding any* '*thing* in the matter or form.'—CANON 14.

184.—In the UNIVERSITIES, as well as in Parish Churches, another CANON requires the prescribed CEREMONIES to be adhered to *without omission* or *alteration*: thus—

'In the whole Divine Service, and Administration of the Holy 'Communion, in all *Colleges* and *Halls* in both UNIVERSITIES, the '*Order*, *Form*, and *Ceremonies*, shall be duly observed, as they 'are set down and prescribed in the Book of Common Prayer '*without any omission or alteration*.'—CANON 16.

185.—Moreover, every Clergyman subscribes to the *three Articles* of the 36th CANON; in the second of

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which he pledges himself to the use of the *Ceremonies* enjoined in the BOOK OF COMMON PRAYER, and to '*none other*:' engaging—

'.....that he himself will *use the form* in the said Book 'prescribed in Public Prayer, and Administration of the 'Sacraments, and *none other*.'—CANON 36.

And if he *fails* to conform to his SUBSCRIPTION thus made, he is, by CANON 38, rendered liable to Ecclesiastical penalties: thus—

'If any Minister after he hath once *subscribed* to the said '*Three* ARTICLES, shall *omit to use* the Form of Prayer, or any 'of the *Orders* or *Ceremonies* prescribed in the Communion 'Book, let him be suspended: and if after a month he do not 'reform and submit himself, let him be excommunicated; 'and then if he shall not submit himself within the space of 'another month, let him be deposed from the Ministry.'—CANON 38.

186.—By STATUTE LAW.—We must now pass to the requirements of the *Statute Law* in respect of the use of *Ceremonies;* and it will be found that those only are to be adopted, which are expressly pointed out in the *Rubrics* of the BOOK OF COMMON PRAYER (with the exception already adverted to). In the *Act of Uniformity* (2 & 3 *Edw.* VI. *c.* 1.) authorizing the *First* LITURGY of Edward VI. (1549), and which Act is still in force, as will be presently seen; it is enacted—

'That all and singular Ministers in any Cathedral or Parish 'Church,.....shall.....be bounden to say and use the Mattens, 'Evensong, celebration of the Lord's Supper commonly called 'the Mass, and Administration of each of the Sacraments, and 'all their common and open Prayer in such *order* and *form* as 'is mentioned in the same Book, and *none other* or *otherwise*..... 'And.....that if any.....whatsoever Minister.....*refuse* to use 'the said Common Prayers, or to minister.....the same, *in such* '*order and form* as they be mentioned and set forth in the 'said Book, or *shall use*, wilfully and obstinately in the same, '*any other Rite*, *Ceremony*, *Order*, *Form*, or *Manner* of Mass, 'openly or privily, or Mattens, Evensong, Administration of the 'Sacraments, or other open Prayers (commonly called the 'Service of the Church) than is mentioned and set forth in 'the said Book;.....' shall be punished as therein stated. 2 & 3 *Edw.* VI. *c.* 1. *s.* 1. (more fully quoted in *par.* 21).

187.—On the appearance of the *Second* LITURGY of Edward VI. (1552), the above enactment was confirmed by 5 & 6 *Edw.* VI. *c.* 1, which also ratified

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the alterations in the new Prayer Book (as stated in *par.* 25. *supra*). Soon after the accession of ELIZABETH, the *Liturgy* was again reviewed (1559), and another *Act of Uniformity* (1 *Eliz. c.* 2.) passed, which, while enforcing the use of the *Revised* PRAYER-BOOK, re-imposed the clauses of 2 & 3 *Edw.* VI. affecting *Ceremonies;* thus—

'.....If any manner of Parson, Vicar, or other whatsoever 'Minister.....*refuse* to use the said "COMMON PRAYERS," or to 'Minister the Sacraments in such Cathedral, or Parish Church, 'or other places as he should use to minister the same, in such '*order and form* as they be mentioned in the said Book; or shall 'wilfully or obstinately standing in the same, use *any other Rite*, '*Ceremony*, *Order*, *Form*, or *Manner* of celebrating of the Lord's 'Supper, openly or privily, or Mattens, Evensong, Administration 'of the Sacraments, or other open Prayers (commonly called 'the Service of the Church), than is mentioned and set forth in 'the said Book;.....'—shall be punished as the Act directs.—1 *Eliz. c.* 2. *ss.* 4, 5, 6. (more fully quoted in *page* 276). ELIZABETH however by a subsequent clause (*Sect.* 26.) reserved to herself the power of ordaining further *Ceremonies*, if she thought fit. (See *pars.* 30—35.)

188.—Again, in the last *Act of Uniformity* 13 & 14 *Car.* II. *c.* 4. (1662), enforcing our reception of the *present* LITURGY, it is there enacted with respect to *Forms* and *Ceremonies*—

'.....That all and singular Ministers in any Cathedral, 'Collegiate or Parish Church or Chapel, or other place of Public 'Worship within this realm.....*shall be bound to say and use* the 'Morning Prayer, Evening Prayer, celebration and administration 'of both the Sacraments, and all other the Public and Common 'Prayer *in such order and form* as is mentioned in the said 'Book.'—*Sect.* 2.

And the same Act imposes with respect to the UNIVERSITIES, that—

'*No Form* or *Order* of Common Prayers, Administration of 'Sacraments, *Rites*, or *Ceremonies*, shall be openly used in any 'Church, Chapel, or other place of or in any COLLEGE, &c..... 'other than what is prescribed and appointed to be used in and 'by the said Book:.....and every Governor or Head of any of 'the said Colleges.....shall *subscribe*.....unto the said Book, and '*declare* his unfeigned assent and consent unto, and approbation 'of.....the same Book, and to the use of all the *Prayers*, *Rites*, 'and *Ceremonies*, *Forms*, and *Orders*, in the said Book prescribed 'and contained:'—under certain penalties.—*Sect.* 17. (more fully stated in *pages* 303—4.).

*** The earlier *Acts of Uniformity* are confirmed by the 24th *Section* of this Statute (13 & 14 *Car.* II. *c.* 4. see *page* 304), and are therefore binding upon the Clergy of the present day.

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189.—The authorities above quoted plainly direct us with respect to the CEREMONIES to be adopted in Public Worship to the guidance of the *Rubric* in the BOOK OF COMMON PRAYER. We may mention however the exception of '*Bowing at the name of Jesus*,' which is authorized only in CANON 18; and the custom prevalent in many places of '*Turning to the East when saying the Creed*,' which can only be defended by long-established usage: these will be adverted to in order.

190.—The prefatory remarks on CEREMONIES in the Prayer Book* have been considered more applicable to the *First Service Book* of EDWARD VI., in which they *originally* appeared, than to our own, as being a defence of the *Ceremonies* which that Book allowed. This may be inferred from the following *Rubric*, which has been omitted in all future Revisions of the Liturgy.

'As touching Kneeling, Crossing, Holding up of Hands, Knocking 'upon the Breast, and other Gestures, they may be used or left, as 'every man's devotion serveth, without blame.' (1549)—KEELING, 357.

DR. NICHOLLS also states, that 'those *Ceremonies*† we have nothing to do with now.' (*Com.* on B. of C. P. *in loco*). Yet in the remarks ascribed to BP. OVERALL'S *Chaplain* in respect of the Preface on Ceremonies, we read—

'The *Preface* then being retained, it seems all the CEREMONIES 'of that Book are still justified by our Church, though some of

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* This '*Preface*' is omitted in the *American* LITURGY.

† These *Ceremonies* are enumerated by NICHOLLS as follows:— '*Water* is enjoined to be *mixed with the Wine* in the Administration 'of the Lord's Supper, and *Crossing* in the Consecration-Prayer: 'the *Bread* was to be unleavened and round. *Exorcism* was used 'in the Office of Baptism, and the Infant anointed, after Dipping '*thrice*, and was to have the *Chrysom* put upon him: the Bishop 'was *to cross* the Confirmed person in the Fore-head. *Bracelets* 'and *Jewels* were to be given in Matrimony, as *tokens of Spousage*: 'the Sick Person upon desire was to be *anointed* on the Forehead 'and the Breast: the Priest was *to cast earth* upon the Corpse, and 'to recommend his soul to God: the Churched Woman was to offer 'up her *Chrysom*: and *Crossing, Knocking upon the Breast*, and 'other Gestures were permitted to be used.'—(*in loco.*)

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'them, at Calvin's and Bucer's instance, were omitted in the Review 'of the Book, 5 *Edw.* VI. (the *Second Liturgy*), as not accounted 'absolutely necessary.'—*Add. Notes to* NICHOLL'S *Com. Pr.* p. 7.

191.—The CEREMONIES just spoken of have been prohibited in all the Royal and Episcopal *Visitation* ARTICLES issued since the *First* LITURGY of *Edward* VI., and from these Articles, &c., we have already had occasion to quote.* Besides which, the '*Last Review*' is the only LITURGY affecting us at the present day, except with regard to 'the *Ornaments* of the Church and of the Ministers thereof;' concerning which, we are referred by a specific RUBRIC to the original Service Book. (See *postea*).

192.—In confirmation of the rule that no Private Person, *suo motu*, can introduce, alter, or omit any Ceremony in Divine Worship, the few opinions following may be brought forward.

BISHOP JEREMY TAYLOR, (1661) in his Charge to his Clergy, directs among other things—'39. Let no Minister of a Parish 'introduce any *Ceremonies*, *Rites*, or *Gestures*, though with some 'seeming piety or devotion, which are not commanded by the 'Church and established by law; and let these also be wisely and 'usefully explicated to the people, that they may understand the 'reasons of obedience; but let there be *no more introduced*, lest the 'people be burdened unnecessarily. and tempted, or divided.'—*Whole Works*, vol. iii. 711. (*Three Vol. Ed.* 1837.)

ABP. SANCROFT has left a MS. (to be found in *Wilkin's Concilia*, vol. IV. *p.* 575.), from which DR. CARDWELL infers, that 'a CANON 'had passed in Convocation on the 12th of *May*, 1662, and had 'afterwards been confirmed by Act of Parliament, enjoining uniform '*reverence*, decency, and order, to be observed by all people in 'Churches.'—(*Doc. Ann.* ii. 253; *Syn.* 672.) But this must be an error for no such Act appears in the Statute Book. *Abp. Sancroft* probably supplies the draft of an Act, which was never passed.

BISHOP STILLINGFLEET (1698) says—'It is certain that *no late* '*customs* brought in by *such as have no authority to oblige*, can bind 'others to follow them. For this were to lay open a gap to the 'introducing foolish and superstitious customs into the Church, 'which would make distinctions without cause, and make way for 'differences and animosities, which all wise and good men will 'avoid as much as may be.'—*Eccl. Cases.* 266. ed. 1702.

ARCHDEACON SHARP follows in the same strain—'The RUBRIC 'being the standard of uniformity of Worship in our communion,

* See the extracts in *pars. supra.*

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'the *adding to which* tends towards opening a gap to Popish 'superstitions, and the increase of human inventions in the service 'of God; and the *subtracting from* which tends towards paving a 'way to a fanatical disuse and contempt of Rites and CEREMONIES: 'therefore we are obliged, not only to declare our *ex animo* 'approbation, assent, and consent, to the matter of the RUBRIC, 'but are laid under religious promises, that we will in every 'particular prescribed in and by it, conform ourselves to it as the 'rule of our ministration.' (*p.* 12.)—*On the Rubrics and Canons.* Charge, A. D. 1731.

But to more modern authorities:—

The BISHOP OF LONDON (*Dr. Tait*) says:—'As great Universities, 'where science and literature are nourished, and beautiful Cathedrals 'where Christian worship is offered up with splendour, have always 'been regarded as integral parts of our reformed national system; 'so it is, of course, well that the buildings and the worship of our 'quiet Parochial Churches also, without falling into any foolish 'mimicry of Cathedrals, should be beautiful of their kind, and that 'their music should be refined as well as solemn and hearty. As 'the sermons which are preached within them will lose nothing of 'their heart-stirring Gospel force by being well composed and well 'spoken, so will our distinct acts of prayer and praise lose nothing 'of their spirituality because their adventitious accompaniments 'are beautiful as well as grave. I shall not, then, be misunderstood, 'as if I were saying anything to depreciate that attention to the '*outward aids* of our worship, which is a good thing in its way, or 'as if I were ungrateful to those who have been the revivers of 'a better ecclesiastical taste in this age, when I point out that some 'amongst us do harm by carrying their love of the externals of 'worship to an extreme. (*p.* 32).....Thus, if any man's love of 'what he deems the beautiful in worship leads him to think more of 'good singing than of faithful preaching; or if he resolutely insists 'on his own views as to the form of worship in violation of the plain 'Christian duty of obedience to those set over him in the Lord; or 'when it is obvious that by so insisting he casts a stumbling-block 'in his people's way, instead of drawing them to Christ; in these 'cases we must pronounce that zeal for the outward helps of 'religion is carried to a dangerous extreme. (*p.* 33).....It is a great 'responsibility which any man incurs, who irritates the parish in 'which he lives by an *excessive ritualism.* We dare not, indeed, 'make the popular opinion the measure of what is right for us even 'in such matters; but there is a basis, at least, of truth in the dislike 'with which the sound English feeling of the middle and lower 'orders in this country regards what they perhaps unreasonably 'connect in some way with Popery. I speak to our younger clergy 'especially on this subject. Their consciences may quit them of 'any hankerings after Rome, though with the experience of the 'past secessions of many like them, I am justified in urging them 'to be very scrupulous and conscientious in taking themselves 'to task, before they declare that they are free from the enticements 'of this subtle adversary; but still, whether they are safe themselves 'or no, that love of a *showy* and *almost tawdry worship,* which 'manifests itself at times amongst us, and which common people 'invariably connect with Rome, ought much to be guarded against.

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'Why should any Clergyman wish to make his Church such that a 'common man, placed suddenly within it, would not be able to say 'whether he was in a Church of England, or a Romish place of 'worship? I believe there is danger to our souls in encouraging 'these tastes, which insensibly break down the barriers by which 'the wisdom of older times has separated us from a corrupt form of 'faith. I believe, also, there is great danger to your people in 'these unwise approximations to a bad system; and of this I am 'certain beyond all doubt, that the injury is great which such 'Clergymen as I have spoken of, would, through their unwise 'innovations, if unchecked, inflict on the national Church of this 'country, by alienating from it the affections of the great mass of 'the community. They may gain the good-will of a few men, and 'still more women, of eccentric tastes, chiefly amongst the upper 'classes. *Excessive floral decorations*, and continual *bowings* and '*genuflexions*, and *candles lighted* in broad day, and peculiar *scarfs* 'and *vestments*, and the other mimicry of the outside of Rome, may 'be acceptable to a few of the laity, but the mass of religious 'persons amongst common-sense Englishmen look upon such 'things as folly at the best. The great body of the educated 'cannot endure them, because they are trifling with holy worship 'and miserable taste; while the common sort of the well-disposed 'and religious are not only irritated by them, but rendered 'suspicious, not without ground, that something really dangerous 'lurks behind. I am quite aware that the sensitiveness of our 'people on such matters is at times unreasonable, also that good 'and pious Clergymen are at times thwarted by persons who, 'influenced, I fear, more by a love of popularity than any zeal for 'souls, exaggerate every cause of offence, and take a pleasure in 'the strife they are raising.' (*p.* 34, 35.)—*Charge*, A. D. 1858.

The BISHOP OF EXETER (*Dr. Phillpotts*), in his elaborate judgment in the case of *Parks Smith* (clerk) May 28, 1847, concludes with these words—'But I have done. If I have said more than the 'particular occasion may seem to demand, it is because I feel the 'necessity of opposing myself openly, and firmly, to *every unauthorized innovation*, from whatever quarter, in our *form* of COMMON 'PRAYER.' &c.—(quoted in STEPHENS' *Laws Rel. to Cl.* p. 1088.)

DR. BLOMFIELD, (*the late Bishop of London*), remarks—'Those '*Forms* and *Ceremonies* which are expressly enjoined in the RUBRIC 'and CANONS, and which, as is said in the 18th *Canon*, are intended 'to "testify the people's humility, &c." I think that upon the 'principle asserted by Bp. Butler they are clearly reasonable, and 'that being enjoined by the Church, they are obligatory upon its 'members. Such are the various devotional postures prescribed in 'the Book of Common Prayer, and the *doing lowly reverence* when 'in time of Divine Service the Lord *Jesus* is mentioned, as directed 'by the same CANON. (*p.* 43).....Ordinances and *Ceremonies*, 'which cannot be shown to have been instituted by the Apostles, 'with a direction for their continuance, are not of perpetual 'obligation upon the whole Church; as for example, the appointment 'of an order of Deaconesses, or Widows; the Anointing of the sick 'with oil; and some other instances; although if we can prove 'them to have been used by the Apostles, or make it appear highly 'probable that they were so, they may not be lightly laid aside, nor

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'changed, even by Churches, and *not at all by individual members* of 'a Church. This is the doctrine of our own Church, in the Preface 'to her Book of Common Prayer; and in this respect every one, at 'least every Clergyman, is bound by the laws of his own Church. '*What they enjoin he is to practise; what they forbid he is to abstain 'from; what they purposely omit he is not to introduce.* Prayers for 'the Dead, Trine immersion in Baptism, the Kiss of Peace in the 'Eucharist, the mixing of Water with Wine in the Chalice—all 'these were undoubtedly ancient customs, if not all of primitive 'antiquity; but they are not recognized by our own Church, and 'they are, therefore, not to be practised by its Ministers.' (*p.* 50.)—*Charge*, 1842. In a later *Charge* this Bishop remarks:—'It has 'been a subject of great uneasiness to me to see the changes, which 'have been gradually introduced by a few of the Clergy, at variance, 'as I think, with the spirit of the Church's directions; and, in 'some instances, with the letter. It has been always esteemed an 'evidence of the wisdom and moderation of those who framed our 'Common Prayer, that they retained "such ceremonies as they "thought best to the setting forth of God's honour and glory, and "to the reducing of the people to a most perfect and godly living, "without error or superstition, putting away other things which "they perceived to be most abused, as in men's ordinances it often "chanceth diversely in divers countries." But this principle has 'been lost sight of by the persons to whom I allude; and they have 'presumed, following *their own private judgment*, and not the rules 'nor intention of the Church, to introduce, one by one, those very 'forms and observances, which the reformers of our Liturgy had 'purposely discontinued and laid aside, but which it is now sought 'to revive, some of them for the first time since the Reformation. 'These innovations have, in some instances, been carried to such a 'length as to render the Church service almost *histrionic*. I really 'cannot characterize by any gentler term the continual *changes of 'posture*, the frequent *genuflexions*, the *crossings*, the *peculiarities of 'dress*, and some of the *decorations* of Churches, to which I allude. 'They are, after all, a poor imitation of the Roman ceremonial, and 'furnish, I have no doubt, to the observant members of that 'Church, a subject, on the one hand, of ridicule, as being a faint 'and meagre copy of their own gaudy ritual, and, on the other 'hand, of exultation, as preparing those who take delight in them 'to seek a further gratification of their taste in the Roman 'communion. I am by no means insensible to the value of the '*Æsthetic* principle in the externals of religion; but great caution 'is requisite, not to lay such stress upon that which is material 'and emblematical, as to detract from the importance of that which 'is purely spiritual; to substitute, in fact, the mere machinery of 'religion for the effects which it is intended to produce. I have 'always contended, and still contend, that *we are bound to carry 'out all the Church's directions* for the celebration of Divine Service; 'but I contend, also, that we offend against her order, not less by 'the admission of what it forbids, or does not enjoin, than by the 'omission of anything which it prescribes. Suffer me to remind 'you of the language which I held to you on this subject eight 'years ago. "Such practices," I observed, "which are neither "prescribed, nor recommended, nor even noticed by our Church, "nor sanctioned by general custom, throw discredit upon these

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"decent ceremonies and expressive forms, which are intended to "enliven the devotion of those who are engaged in the service "of God, and to do honour to His name." "In resisting an "exaggerated spiritualism, we must be careful not to incur the "charge of materializing religion; and, above all, we must beware "of arbitrarily connecting the gifts of God with ordinances of "merely human appointment, and of teaching our people to place "the ceremonies which the Church has ordained, however "significant and laudable, on the same footing as the Sacraments "which have been ordained by the Lord Jesus himself."……I have 'been told that *I had no authority* to forbid anything which was 'not in express terms forbidden by law; and that practices, which, 'though purposely laid aside by the Church, and so by implication 'condemned, have not been actually prohibited, are therefore 'lawful; and that *canonical obedience* to a Bishop is only that which 'he can enforce in a Court of Law: and so the *innovations* which 'I objected to, have been persisted in, with additional changes 'introduced from time to time, with the manifest purpose of 'assimilating the services of our Reformed Church as nearly as 'possible to those of the Roman. Once more I declare my entire '*disapproval* of sech practices, and my earnest wish that, while '*every direction of the Rubric and Canons is observed* where it is 'possible, no form should be introduced into the celebration of 'Public Worship which is not expressly prescribed by them, or 'sanctioned by long-established usage.' (*p.* 50—4.)—*Charge*, 1850.

Rev. W. Goode says:—'With these authorities before us, we 'may judge of the reasonableness of a notion lately put forth 'among us, that where no direct prohibition occurs in the *Rubric* 'or elsewhere, there the Minister may introduce any of the ancient 'usages of the Church. I will only say that it is a notion likely to 'cost a Clergyman who acts upon it dear, if any one chooses to 'put the Act of Uniformity in force against him……The language 'of the Acts of Uniformity, and of the Canon, clearly shews, that 'the Minister, when engaged in the Public Services of the Church, 'is *prohibited from adding* any Ceremonial observances to those 'prescribed by the Book of Common Prayer. One great object in 'view in putting forth the Book of Common Prayer was *uniformity*, 'not merely in the *matter* of the Services used, but in the *mode* 'and *form* and *ceremonial* of Public Worship; and this would be 'destroyed, if the Minister had the liberty to introduce unauthorized 'additions of *Bowings* and *Crossings*, &c., which have a tendency 'to give a different character to the Service. Nor can they be 'defended on the ground of their being things of little moment, 'because they confessedly belong to that class of usages of which 'many were "abolished" and "put away" at the Reformation, as 'tending to encourage superstition. (*p.* 7. 24.)……It needs some '*direct* authority, and *express* sanction, for a Minister of our 'Church, when performing Public Service, to introduce such 'practices.' (*p.* 26.)—*Cerem. of Ch. of England.*

Dr. Chr. Wordsworth remarks:—'*No private person*, lay or 'clerical, may introduce anything into a Church on his own 'authority: it is not *his* province, but it is exclusively the office 'of the particular Church to which he belongs to decree the 'Ceremonies to be observed by its Members; and whether such

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'additional Ceremonies (of Ancient and Foreign Churches) be 'derived from ancient or from modern practice, they are equally 'innovations and usurpations of the authority of the Church, and 'their introduction equally irregular and presumptuous. It is not 'less an act of pride and disobedience in an individual to *introduce* 'into a Church what is *not* ordered by lawful authority, than to 'despise what *is*.' (*p.* 336.)—*Theoph. Anglic.*

We may now pass to the consideration in detail of the following CEREMONIES.—

(a) *Bowing* at the Name of Jesus. (c) *Cross* in Baptism, &c.
(b) (..... to the Altar, &c.) (d) (*East*, turning to the)
(e) *Ring* in Marriage.

(a)—*Bowing at the Name of* JESUS.

193.—The origin of this custom is by some writers referred to the passage of St Paul in *Phil.* ii. 10.,—'*That at the Name of Jesus every knee should bow.*' Exception, however, may be taken against this opinion, as in the original text it is, ἵνα ἐν τῷ ὀνόματι, '*in* the name,' not '*at* the name;' implying rather, the supreme dignity of Jesus, and that He is the appointed Mediator, through whom prayers for blessings, both in this life and in the next, were to be offered by all intelligent creatures to God the Father. Doubtlessly the Apostle had in his mind, *Isa.* xlv. 23.,—'*Unto me every knee shall bow, every tongue shall swear.*' To this passage, indeed, he refers in *Rom.* xiv. 11.; but here we have less to do with the theological question than with the point of ritual. (See *postea* under "CREED" Vol. **E**.).

194.—The practice of *bowing at the name of Jesus* is not enjoined by any *Rubric* of the LITURGY, but by the 18th CANON (of 1603—4), which is still of force and authority; and which requires this reverence to be made *whenever* the name of 'JESUS' is mentioned in *Divine Service;* but this observance does not extend to the other appellations of our Lord, such as '*Son*,' '*Christ*,' &c: thus;—

'.....When in time of *Divine Service* the Lord JESUS shall 'be mentioned, due and lowly *reverence* shall be done by all 'persons present, as it hath been accustomed; testifying by

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'these outward Ceremonies and Gestures, their in[illegible]d humility, 'Christian resolution, and due acknowledgment, that the Lord 'Jesus Christ, the true eternal Son of God, is the only Saviour of 'the world, in whom alone all the mercies, graces, and promises 'of God to mankind for this life, and the life to come, are fully and 'wholly comprised.....'—CANON 18.

HEYLYN (*ob.* 1662) speaking of the usage enjoined in the Canon, and in Elizabeth's Order, remarks:—'Though this Injunction was 'published the first year of the Queen, yet then this *bowing at the* '*name of Jesus* was lookt on as an ancient custom. And in this 'case, and in all others of that nature, it is a good and certain rule 'that all such Rites as had been practised in the Church of Rome 'and not abolisht nor disclaimed by any doctrine, law, or canon of 'the first Reformers, were to continue in the same state in which 'they found them. But this commendable custom, together with 'all other outward reverence in God's Service, being every day more 'and more discontinued, it seemed good to the Prelates and Clergy 'assembled in Convocation anno 1603 to revive the same, with some 'enlargement as to the uncovering of the head in all the acts and 'parts of public worship.' (*p.* 17.)—*Life of Laud.*

195.—This ceremony seems to have been first canonically enjoined by Gregory Xth at the *Council of Lyons*, A. D. 1274: in the next century at the *Council of Avignon*, A. D. 1326, we find that 'indulgences' were granted to all who *bow at the name of Jesus.* A few years later, in A. D. 1351, a Constitution of *John de Sancto Paulo*, Abp. of Dublin enacted—'That believers 'in Christ, whenever they hear his *holy Name* 'pronounced, or the *Gloria Patri*, shall devoutly 'incline the heart and head unto God: and to all 'who shall do so, we grant *ten day's indulgence.*' (WILKIN'S *Conc.* iii. p. 20.). So by the *Council of Beziers* of this date (A. D. 1351), ten day's pardon was granted to all such as *bow at the name of Jesus* whenever it is mentioned in Divine Service. The Canons of many subsequent Councils similarly impose this ceremony. In the *Hereford*, and *Roman*, *Breviaries*, bowing is enjoined in the *Creed* after the words, "*Who for us men and for our salvation came* "*down from heaven;*" thus—'*Qui propter nos homines*, '*et propter nostram salutem descendit de cœlis* (*Et* '*fiet genuflexio dum dicitur. Herf. Hic genuflectitur.* 'Rom.).' MASKELL'S *Ancient Lit. of Ch. of England*, p. 51.

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196.—In modern times, *bowing at the name of* JESUS has been of almost universal observance when it occurs in the '*Creeds;*' generally also at the end of the *Prayers*, and *Collects;* but not so frequently at other times. Yet the Clergy are, in strictness, bound to do so in every instance when it occurs in Divine Service by the 18th CANON just quoted. Among the opinions which have been expressed on this subject are the following:—

In COOPER'S *Admonition* to the Parliament, which contained the objections of the extreme Puritans of that day, there is this remark, as quoted by *Mr. Lathbury* in his 'History of the Book of Common Prayer:'—"When Jesus is named, then off goeth the cap, and "downe goeth the knees, with such a scraping on the ground that "they cannot heare a good while after." Upon this our Author thus comments:—'*Whitgift* charges the writer with a slanderous 'untruth. If the walking and talking occurred, the People were 'blameable, not the Prayer Book. The scraping was nothing more 'than the momentary noise of kneeling or rising. *Whitgift* says, "One reason that moved Christians in the beginning rather to *bow* "*at the name of Jesus* than at any other name of God, was because "this name was most hated and contemned of the wicked Jews and "other persecutors." *Whitgift's* Defence, 739—742.'—LATHBURY'S *Hist. of Book of Com. Prayer*, p. 109. n.

197.—This CANON, like many of the others of 1603—4, owes its origin to the Injunctions of *Elizabeth* (1559): in the 52nd of which we read—'Whensoever 'the name of JESUS shall be in any *Lesson*, *Sermon*, or otherwise in 'the Church pronounced, due reverence be made of all persons, 'young, and old, with lowness of courtesy, and uncovering of heads 'of the menkind, as thereunto doth necessarily belong, and 'heretofore hath been accustomed.'—CARDWELL'S *Doc. Ann.* I. 199.

HOOKER (*ob.* 1600), when speaking of the reading of the *Gospels*, remarks:—'It hath been the custom of Christian men then 'especially, in token of the greater reverence, to stand, to utter 'certain words of acclamation, and *at the name of Jesus to bow;* 'which harmless CEREMONIES, as there is *no man constrained to* '*use;* so we know no reason wherefore any man should yet 'imagine it an insufferable evil.' (*Vol.* I. *p.* 519.)—*Eccl. Pol.* V. XXX. 3.

BISHOP OVERALL'S *Chaplain* (cir. 1614—19) observes:—'In 'reading the Holy *Gospels* (at the Communion Service), and *never* '*else*, is adoration made at the name of JESUS; for then only is it in 'its right exaltation, and then men stand up in a posture ready 'to make *reverence*.'—*Add. Notes* to NICHOLL'S C. P. *p.* 30.

BISHOP WREN, in his 'Injunctions' issued in the Diocese of Norwich in A.D. 1636, directs—'That due *reverence* be visibly done 'by all persons present when the blessed name of the Lord JESUS is 'mentioned.'—CARDWELL'S *Doc. Ann.* II. 203. (See *ib.* 249.).

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WHEATLY (*ob.* 1742) observes: —'When we come to the second 'Article in this Creed (the *Apostle's*) in which the name of JESUS is 'mentioned, the whole congregation makes *obeisance*, which the 'Church expressly enjoins in her 18th CANON.' (*p.* 145.)—*Rat. Ill. of B. of C. Pr.*

SHEPHERD (*ob.* 1805) says:—'At present it is customary to do '*reverence*, when the name of JESUS is mentioned in this (the '*Apostle's Creed*), and in the *Nicene Creed*. But these are the only 'instances in which the directions of the CANON are generally 'followed. And our practice varies from that of the last century, if 'the following observation, supposed to be Bishop Overall's is 'authentic:' (here is quoted the passage given above under BISHOP OVERALL'S *Chaplain.*)—*Eluc. of B. of C. Pr.* Vol. I. *p.* 250.

198.—Passing to more modern times, we may quote the authorities annexed.

The late BISHOP OF LONDON'S (*Dr. Blomfield*) opinion is given in *pars.* (*supra*).

The BISHOP OF EXETER (*Dr. Phillpotts*), replying to the Memorial of the *Inhabitants of Falmouth* complaining amongst other things of the Rector's '*bowings to the Alter*' (*June* 30th, 1843), says:—'These may be merely those '*bowings*' which are commanded 'by the 18th CANON of 1603, which command, with the annexed 'reason, I here subjoin for the edification of yourselves, and of the 'other Memorialists: (*here follows the part of* CANON 18, quoted 'above). That the reverence here enjoined was indeed accustomed 'is manifest from the 52nd, of the INJUNCTIONS of Queen *Elizabeth* 'in the first year of her reign, which INJUNCTIONS were subsequently 'recognized in an Act of Parliament:' (*here follows the 52nd Injunction of Elizabeth* as quoted in the *note* in *p.* 403. See also *p.* 277). 'Need I remind you of a higher authority than Kings and 'Queens, Acts of Parliament, or Canons of Synods, the hallowed 'usage of even the word of God itself; (*here follows Phil.* ii. 8—10.). 'Now, if such be the '*bowings*' of which the Memorialists complain, 'as destroying the beautiful simplicity and spiritual character of 'the Reformed Religion, and assimilating our Services to those of 'Rome, I, as their Bishop, am bound to deplore and to endeavour to 'remove, their unhappy blindness.'—(quoted in STEPHEN'S *Eccl. Stat.* p. 2060.)

REV. W. GOODE, observes: —'To the rule prescribed by the 'Prayer Book there is, I believe, but one addition sanctioned by 'authority, namely, that which was inserted in Queen Elizabeth's 'Injunctions' issued in 1559, shortly after the Prayer Book of that 'period, and which is now required by the 18th CANON, namely 'that '*When in time of Divine Service, &c.*' (quoted above).—*Cer. of Ch. of Eng.* p. 25.

DR. HOOK remarks: —'We do *not bow* when our Lord is spoken 'of as *Christ*; for when we speak of him as the Christ, we speak of 'his office, the anointed, the prophet, priest, and king of our race, 'which implies his Divine nature. But *Jesus* is the name of his 'humanity, the name he was known by as man; *whenever* therefore 'we pronounce that name, we *bow*, to signify that he who for our 'sakes became man is also God.'—*Ch. Dict.* Art. BOWING.

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REV. J. JEBB says:—'At the name of JESUS in the *Creed*, the 'universal custom of the Church has been to *bow the head*. This, 'however, is more than a custom. It is a positive injunction of the 'CANONS of the Church of England, extending, however, to *every* '*occasion* on which that name of our Blessed Lord is repeated, 'which designates his human nature; the prescribed act of 'adoration thus marking the indissoluble union of that nature with 'the Divine. The same act is not prescribed when the designation 'of his office, *Christ*, is employed. In very many country Churches, 'the Congregation have been long accustomed to act in obedience 'to this CANON, in all instances; and there can be no excuse for 'the neglect of the Clergy in its uniform observance.' (*p.* 554.)—*Choral Service.*

(*b*)—*Bowing to the Altar; and on Coming into, and Going out of, Church.*

199.—This custom appears to have been very prevalent in the time of LAUD, at whose instance the Convocation of that day, while framing a *Code of Canons*, introduced into one of them a clause strongly recommendatory of the practice of *bowing to the Altar* whenever approaching it; and likewise on *going into*, and *coming out of*, *the Church*. It will be found in the 7th CANON of those of 1640, and thus reads:—

'Whereas the Church is the House of God, dedicated to His 'holy Worship, and therefore ought to mind us, both of the 'greatness and goodness of His Divine Majesty, certain it is that 'the acknowledgment thereof, not only inwardly in our hearts, 'but also outwardly with our bodies, must needs be pious in itself, 'profitable unto us, and edifying unto others. We therefore think 'it very meet and behoveful, and heartily commend it to all good 'and well affected people, members of this Church that they be 'ready to tender unto the Lord the said acknowledgment, *by doing* '*reverence, and obeisance, both at their coming in, and going out of* '*the said Churches, Chancels, or Chappels*, according to the most 'ancient custom of the primitive Church in the purest times, and 'of this Church also for many years of the reign of Queen '*Elizabeth*. The reviving therefore of this ancient and laudable 'custom, we heartily commend to the serious consideration of all 'good people, not with any intention to exhibit any Religious 'Worship to the *Communion-Table*, the *East*, or *Church*, or any thing 'therein contained in so doing, or to perform the said gesture in 'the celebration of the holy Eucharist, upon any opinion of a 'corporal presence of the body of *Jesus Christ* on the holy Table, 'or in mystical Elements, but only for the advancement of God's 'Majesty, and to give Him alone that honor and glory that is 'due unto Him, and no otherwise; and *in the practice or omission of* '*this Rite*, we desire that the Rule of Charity prescribed by the

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'Apostle, may be observed, which is, that they which use this Rite, 'despise not them who use it not, and that they who use it not, 'condemn not those that use it.'—7th CANON. A.D. 1640.

200.—As the *legal force* of these CANONS has been already fully discussed (in *pars.* 56—59), we will merely repeat here, that at the present day the *Canon*, and the practice it enjoins, are *void of authority;* neither is the usage sanctioned by general custom. A few additional opinions on the subject, however, may not be unacceptable.

It should be stated that, according to HEYLYN, this practice of '*bowing*' existed before the Reformation; but was abolished by *Edward* VI. *Mary* however revived it, and *Elizabeth* sanctioned its continuance. (*Cypr. Angl.* 17, 314—5; *Ref.* E. H. S. II. 315—6, &c.; *Pepys' Mem.* I. 394, &c.) During the Archi-episcopate of Laud (1633—45) it was very strongly advocated; and from that day to later times history supplies us with the names of many excellent men who approved and practised it; among whom may be mentioned—Bishops Andrewes (*ob.* 1626); Montague (*ob.* 1641); Morton (*ob.* 1659); Cosin (*ob.* 1672); Wilson (*ob.* 1755); and by Ferrar (*ob.* 1637); and others, before the eighteenth century. (See ROBERTSON'S *How shall we Conform to the Liturgy*, 2nd Ed. *pp.* 13—18; *Hierurgia Anglicana, pp.* 50—63; 236—253; *Add. Notes to* NICHOLL'S *C. Pr.*

ABP. WILLIAMS, in his Visitation Articles, when Bp. of Lincoln (1641), enquires:—'Do you know of any Parson, Vicar, or Curate, 'that hath introduced any offensive RITES or CEREMONIES into the 'Church, *not established by the Laws* of the land; as, namely, that 'make *three courtesies towards* the Communion Table; that call the 'said Table an *Altar;* that enjoin the people at their *coming into* '*Church to bow towards the East*, or towards the Communion 'Table?'—(quoted in GOODE'S *Cerem. of Ch. of Eng. p.* 25.)

The COMMITTEE OF THE HOUSE OF LORDS also (in 1641), in their Proceedings touching Innovations in the Doctrine and Discipline of the Church of England, enquire among other matters, whether there be any—'*Bowing* towards it (the Altar), or towards 'the East, many times, with three congees, but usually in every 'motion, access, or recess in the Church?'—CARDWELL'S *Conf.* 272.

In later times we have the following opinions.—

The BISHOP OF EXETER (*Dr. Phillpotts*), continuing his reply to the complaints of the *Inhabitants of Falmouth* (from above *p.* 404), observes:—'Again, "The *bowings to the Altar*" may be the '"bowings" recommended in the seventh CANON of the Synod of '1640, which says that, "Whereas the Church, &c." (See *page* 296). 'Now, if the '*bowings to the Altar*,' enumerated among your 'grievances, be of this kind, I must decline issuing any directions 'to the Rector, which may induce him to discontinue them. I do 'not understand that he attempts to impose them as duties on his

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'people. He performs them, it seems, himself, thereby exercising 'his Christian liberty, with which I have no right nor inclination 'to interfere. I do not, indeed, practise this obeisance myself, "in 'coming in and going out of Church," but I respect the freedom of 'others; and I from my heart subscribe to the wise and charitable 'language with which the CANON last cited by me concludes: "In 'the practice, &c." (*quoted in* p. 296). I have thus noticed the 'only '*bowings to the Altar*' of which I have ever heard as practised 'by any Minister or Member of our Church; of these, one (at the 'name of *Jesus*) it is the duty of your Rector to perform, the other 'is recommended to him by one of the *Canons*.'—(quoted in STEPHENS' *Eccl. Stat.* p. 2061).

DR. BLOMFIELD, (*the late Bishop of London*) has given his opinion on this subject in the case of the *Churchwarden* (Westerton) of *St Paul's, Knightsbridge* v. *Hon. and Rev. Robert Liddell.* It appears that MR. WESTERTON complained, amongst other things, that the Officiating Clergy *bowed to the Altar* on approaching it, and receding from it, (*p.* 5.); and *bowed* also 'when the '*Gloria*' was sung,' (*p.* 7.); and adopted 'other gestures, histrionic postures, genuflexions,' &c. (*p.* 18, *Letter to the Bishop of London*, Dec. 20th, 1853). To this MR. LIDDELL replies:—'The "*vehement gesticulations*," '"*histrionic displays*," "*theatrical gestures*," "*incurvations*," and '"*genuflexions*," before the commencement of Divine Service, resolve 'themselves into our kneeling down on our respective hassocks, 'and saying a short prayer, according to universal custom.....I 'lower my head as I pass within the rails to the Credence, but 'I *neither bow* to the Cross, nor make any formal obeisance or 'genuflexion to the Altar—either then, or at any other time. '(*p.* 5.).....At the repetition of the *Gloria*, I am charged "with "folding my arms across my breast, thereby *forming the sign* or "symbol of the Cross, and *bowing my head* towards the Cross on "the 'High Altar' with theatrical emphasis." This I *totally and* '*emphatically deny*, as entirely unfounded in fact. (*p.* 6.).....At the 'ascription of praise to the Holy Trinity in the *Gloria*, I do *bow* '*my head;* as at the mention of the name of the Lord Jesus. It 'is the practice of a large part of my Congregation, and, as I think, 'a laudable and devout one: I learnt it from them—not they from 'me. I have never enjoined the practice upon others—I claim 'the liberty of following it myself; and I do not think that 'Mr. Westerton is justified in passing any comment upon it. As 'to its being Popish, I am not aware that the custom prevails 'in the worship of the Roman Church.' (*p.* 7.—*Letter to the Bishop of London*, Feb. 27th, 1854.).—The BISHOP OF LONDON thus answered:—'With regard to "*bowings*," "*genuflexions*" and '"*gesticulations*," Mr. Liddell denies the truth of your statement... 'The custom of *bowing upon entering a Church* or *Chancel*, is a 'very ancient one and very generally observed in our Church 'till within the last hundred years. I have been told by some 'old Clergymen, that when they were young it was the general 'practice, at least with the Clergy. *I do not observe it myself*, 'but I should be loth to impute a superstitious feeling to those 'who do. The rule to be followed, in this and similar cases, is, 'not to use outward marks of reverence in an ostentatious or 'singular manner, so as to awaken suspicion, and call forth 'observation. I do not see how it is possible to lay down a stricter

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'rule than this; or to prescribe an exact scale for the bodily 'expressions of devout feelings. I have already expressed my 'dislike to frequent *genuflexions*, in my *Charge* of 1850.*.....I 'cannot, however, forbear from observing, that our Congregations 'are, for the most part, far too unobservant of the outward 'expressions of devotion; and that it may sometimes be desirable 'that the Clergy should set them a good example in this respect. 'With respect to the particular one of *bowing the head* when the '*Doxology*, or ascription of praise, is pronounced, I *believe it to be* '*a novelty in our Church*, and have more than once expressed 'my disapproval of it.' (*p.* 41.)—*Letter to Mr. Westerton*, March 28th, 1854.

Rev. C. Benson (late *Master of the Temple*), commenting on the practice of 'doing reverence and obeisance on entering 'Churches, and towards the Communion Tables in Chancels,' adds:—'I believe it will most frequently be found practised by 'those who ascribe a peculiar sanctity to the places themselves, 'and who look upon the Holy Table as truly an *Altar*, where the 'sacrifice of Christ is made in some real, though mysterious and 'undefined sense, by the ministering Priest.....The doing reverence 'to Churches and Communion Tables.....is condemned by reason, 'and sanctioned only by a *Canon* to which a Statute of the Realm 'expressly forbids us to give authority.' (*p.* 812.)—*On Rubrics and Canons.*

Rev. W. Goode says:—'The custom of '*bowing*,' on entering 'the Church, towards the East, or the Communion Table, may 'no doubt plead various precedents in its favour, but certainly '*no authoritative sanction;* for the Canons of 1640, into which 'Laud introduced it, are of no authority. And I think most 'will be disposed to agree with Bp. Burnet, that "all *bowings* '*to the Altar* have at least an ill appearance, and are of no use," (*Own Time*, ii. 636; *or* vi. 176. *Oxford Edit.*). And in opposition 'to the testimony of Laud and his party in favour of the practice, 'we have that of Abp. Williams, an equally good witness, on 'the contrary side.' (Here follows the quotation given above).—*Cerem. of Church of Eng.* p. 25.

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* A Manchester correspondent, "to correct the erroneous impression that may be formed by the perusal of part of the letter of the Bishop of London," requests us to certify (enclosing his name) that it has always been the custom for the choristers of the old church (now the cathedral) of Manchester, to turn to the east during the *Gloria*. Other correspondents testify to the custom in various parts of the country. The writer of this paragraph witnessed the custom for the first time at a chapel attached to a union workhouse. We are likewise informed that the usage has been from time immemorial observed by the charity school children at their annual gathering in his own Cathedral of St Paul's, and has no doubt been handed down to the present time from the beginning of last century. Among the clergymen who always observed it may be cited the late respected Vicar of St Giles's, the Rev. Endell Tyler, certainly no favourer of "novelties."—*Guardian*, May 3rd, 1854.

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Dr. Hook, states on this subject:—'A reverent custom still 'practised at Windsor Chapel, in College Chapels, and Cathedrals, 'of which the Synod of 1640 said,' 'We heartily commend it, &c.' (Here he concludes with a portion of the 7th *Canon* of 1640.)—*Ch. Dict.* Art. 'Bowing.' (See *p.* 296.).

The Rev. T. Lathbury writes:—'The Canon enjoins *due and* '*lowly reverence* at the Name of Jesus, and therefore this practice 'cannot be deemed Popish by conscientious members of the Church 'of England. But *bowing to the east* is neither enjoined nor 'specified. *Due reverence*, as it was usually termed, was customary 'on entering the Church. "For this there was no rule nor rubric "made by the first Reformers, and it was necessary that there "should, the practice of God's people in that kind being so "universal." *Bishop Morton* was as far removed from Rome as 'any man who ever lived, for he was one of her most able 'opponents; yet he reproved a young relative for refusing to 'comply with the then general practice of *bowing on entering the* '*Church*. "If this young man be averse to that posture of *bowing* "himself towards the Lord's table he shall have me, much his elder, "altogether his enemy." The practice is frequently mentioned 'in this and the next two reigns, not as enjoined by *Canon*, but 'as continued from the Reformation. The following passage, from 'a work of a later period, may be cited as an illustration of the 'custom: "Our custom is, when we *bow down* and worship, to do "it towards the place where the holy table is. The quires where "it is most customary have the entrance against the table, and "two others, one of each side over against each other. Now, if "a man at his entrance at the former, should think it better to "face quite about and bow towards the door he came in at than "to bow right towards the table, I believe he would make himself "ridiculous to all the people." The writer remarks, that all 'persons coming in at the same time by the two opposite doors, 'and inclining the head straight-forward, would be supposed to 'be bowing at each other; and "something of like nature would "be found in bowing any way but that in use, however the "entrance into, or situation of, the quire be." It will be observed, 'by the "entrance against the table" he means the western door 'opposite the communion-table; and it will not fail to be noticed 'by the reader that the objection, at the time when this work 'was published, was not against *bowing on entering the Church*, 'but against bowing towards the communion-table.' (*p.* 153.)—*History of the Book of Com. Prayer.*

In the "*Clergyman's Diary*" for 1859, there are these instructions on this head:—'To *bow at the name of Jesus* whenever mentioned in 'the Service, at the names of the several Persons of the Holy 'Trinity in the *Doxology*, and towards the Altar on *entering* or '*leaving* the Church.' (*p.* 8.)—*Pub. by Masters.*

The Quarterly Review, animadverting upon that portion of the Bp. of London's *Charge* of 1842, bearing upon *lights*, and *flowers* on the Altar, and *bowings to the East*, remarks:—'If, as we 'believe, the whole Episcopal Bench, and the vast majority of 'mankind, are agreed that the greater part, if not all, of these 'deviations from the established usages of the Church are frivolous,

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'unwarrantable, and, in their consequences, dangerous; let the 'venerated depositaries of authority, honestly and roundly, and 'with one voice, say so, and save, if possible, those who heedlessly 'practise them, from the sin—and the Church from the peril—both 'from the shame—of a schism about trifles and toys—*nosegays*, '*curtsies*, and *candlesticks*.' (*p.* 275.)—No. cxliii. *May*, 1843.

(*c*)—*Cross in Baptism; and other Crossings.*

201.—The use of the *Cross in Baptism* is directed by a RUBRIC of the Prayer Book, which was first introduced into the place it now occupies in the *Second Liturgy* of EDWARD VI. (1552). The RUBRIC followed the first Prayer in the Baptismal Service in the original *Liturgy* of EDWARD VI. (1549), and was differently worded. (CLAY *B. of C. P. Ill.* 132; KEELING, 239.) This ceremony is defended by CANON 30 (of 1603—4): and as it is a practice not disputed among Churchmen of modern times, it requires no further comment here; especially as we shall advert to it in its proper place in the Office for *Baptism*.*

Other Crossings.

202.—These are not permitted either by the *Canon*, *Statute Law*, or *Rubric*; nor are they sanctioned by custom. *Crossings* were allowed in the *First* LITURGY of *Edward* VI. (1549), as the Rubric quoted in *par.* 190, will show. But this Rubric found no place in any subsequent Liturgy, and the superstitious

* In the AMERICAN *Liturgy*, however, its use is optional. There is a Rubric in that Service Book following the form of Reception—"*We receive this child, &c.*"—which runs thus:—

'*If those who present the Infant shall desire the sign of the 'Cross to be omitted, although the Church knows no worthy cause 'of scruple concerning the same; yet, in that case, the Minister 'may omit that part of the above which follows the Immersion, 'or the pouring of Water on the Infant.*'—DR. WAINRIGHT'S Ed. New York, 1845.

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Ceremonies it sanctioned were discontinued; nor are they in these times likely to be revived in the public Services of the Church of England.

BISHOP PARKHURST (in 1561) issued this Injunction:—'*Item*, 'That they neither suffer the Lord's Table to be hanged and decked 'like an Altar, neither use any gestures of the Popish Mass in the 'time of ministration of the Communion, as shifting of the Book, 'washing, breathing, *crossing*, or such like.'—*Inj.* 4. (quoted in GOODE'S *Cerem. of Ch. of Eng.* p. 27.)

ABP. GRINDALL (in 1571), in one of his Injunctions, directs:— 'No Persons.....superstitiously to make upon themselves the *sign* '*of the Cross*, when they first enter into any Church to pray.'— CARDWELL'S *Doc. Ann.* i. 337.

203.—In the recent case of *Parks Smith*, (Clerk) 28th *May*, 1847; brought before the BISHOP OF EXETER (*Dr. Phillpotts*), we find his Lordship in giving judgment thus remarking upon this subject: —'The 'truth is, that however venerable, significant, and affecting, the 'material image of the *Cross*, in itself, is, the gross abuses which 'had prevailed respecting it, not only rendered the use of it in 'Divine Service utterly intolerable, but caused, as is notorious, 'very strong and lasting prejudices to prevail against even the '*transient image of it, made in the air*, after the undisputed usage 'of Christian antiquity. And even these prejudices were wisely 'yielded to by our Reformers, so far as could with propriety be 'done; for they rejected the practice of *making the transient image* 'on every occasion but one—that of marking the forehead of the 'newly *baptized* with the *sign of the cross*—an occasion on which 'it could not be forborne, consistently with the duty of a sound 'branch of the Catholic Church.'—(quoted in STEPHENS' *Laws Rel. to the Cl.* p. 1086.)

The BISHOP OF WINCHESTER (*Dr. C. R. Sumner*) says: —'The 'postures and gestures which you see in your ministrations are 'matters of indifference, simply considered. Yet hear one of our 'divines.—"It was a long and general custom in the Church, 'upon all occasions and motions of solemnity or greater action, 'to make the *sign of the cross in the air*, on the breast, or on the 'forehead; but he that in England should do so upon pretence, 'because it was a Catholic custom, would be ridiculous." (TAYLOR. '*Rule of Conscience*. III. iv. Rule, 15). He would be worse than 'ridiculous, he would be an object of just jealousy and suspicion, 'and a stumbling-block.'.....The BISHOP concludes with a quotation from BECON'S *Catechism* (Parker ed. *p.* 298), and with referring to CANON 30.—*Charge*, 1845.

REV. W. GOODE observes:—'On the subject of *crossing* we have 'various direct testimonies to its *disallowance* by our Church, 'except in Baptism.' (*p.* 26.)—*Cerem. of Ch. of Eng.*

See also Dr. Blomfield's opinion in the Knightsbridge case, *page* 432.

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(*d*)—*East*,—*Turning to the East when the* CREED *is said.*

204.—*Turning to the East* when the CREED is repeated is not enjoined by any CANON, or RUBRIC; but owes its authority to immemorial custom, derived from the practice of Catechumens in the primitive Church turning to the *East* when they made their *profession of faith*, and to the *West* when they declared their *renunciation of the Devil.* The practice has continued to prevail in most Parish Churches, where indeed the position of the greater portion of our Congregations would not admit of any show of objection, did such feeling even exist, the worshippers being usually arranged so as to look towards the *East.* But with regard to the *Officiating Clergyman* the case is different. If he should be performing the 'Service' in a strange Church, and when in the 'Reading-Desk' looks westward facing his hearers, or it may be southward, and the practice of *turning to the East when saying the Creed* has not been the recognized usage of the Congregation before him, it is better that he should forego the custom, should he have been in the habit of adopting it himself, rather than turn his back on the assembled people; otherwise the proceeding will take them by surprize, and have so abrupt an appearance as to be likely to suspend for a time those solemn feelings which the beautiful Services of our Church usually invoke. These remarks do not of course apply to a Clergyman officiating in his own Church where the practices both of Minister and Congregation are sufficiently known to be anticipated. Yet even here any attempt to *introduce* this custom, if it has not been before adopted, should be gradual, and not take the people unprepared. However, when *temporarily officiating* in the Church of another, it is considered more becoming to adopt the usages prevailing there, than designedly to introduce what may be esteemed by the Congregation, novel, and, possibly, objectionable.

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This ready compliance cannot involve the compromise of any religious principle, since the custom is not derived from Scriptural authority, nor enjoined by any Canonical, or Rubrical injunction of the Church. That it was an ancient usage, and has been continued to our times, may be gathered from the observations and opinions annexed:—

THE COMMITTEE OF THE HOUSE OF LORDS, (1641) in their Proceedings touching Innovations in the Doctrine and Discipline of the Church of England, mention amongst them—'The Minister's 'turning his back to the West, and his face *to the East when he* '*pronounceth the* CREED, or reads Prayers.'—CARDWELL'S *Conf.* 272.

DR. BISSE says—'It was the custom of the ancient Church to '*turn to the Altar or East*, not only at the confessions of faith, 'but in all the Public Prayers...In rehearsing our CREEDS, this 'custom is still more proper and significant, for we are appointed 'to perform it 'standing:' by this posture declaring our resolution 'to stand by, or defend, that faith, which we have professed: so 'that all these times we resemble not so much an assembly, as an 'army; as then in every well-marshalled army *all look and move* '*one way*, so should we always do in a regular assembly; but 'especially at the confessions of faith all "Christ's faithful soldiers" 'should shew, by this uniformity of gesture, that they hold the unity 'of the faith.'—*Decency and Order in Pub. Wor.* Ed. 1728.

DR. COLLIS observes—'It has always been esteemed a very 'decent way of our expressing our belief of a God, to *turn to the* '*East*, that quarter of the heavens, where He is supposed to have 'his peculiar residence of glory.'—(*p.* 46.)—*On the Rubrick*, A. D. 1737. (reprinted in *Christian Remembrancer* Nov. 1829 *to June* 1830.)

WHEATLY (*ob.* 1742) says—'When we repeat it (the CREED), it 'is customary to *turn towards the East*, that so whilst we are 'making profession of our faith in the blessed Trinity, we may look 'towards that quarter of the heavens, where God is supposed to 'have his peculiar residence of glory.' (*p.* 145.)—*Rat. Ill. of Book of C. P.* Dr. Corrie's *edition*.

ABP. SECKER (*ob.* 1768.) says—'Turning at the same time '*towards the East* as many do, is an ancient custom: as indeed, in 'most religions, men have directed their worship some particular 'way. And this practice being intended only to honour Christ the '"Sun of Righteousness," who hath risen upon us, to enlighten us 'with that doctrine of Salvation, to which we then declare our 'adherence; it ought not to be condemned, as superstitious: and 'yet being neither obligatory in itself, nor commanded by authority, 'the omission of it ought not to be censured, as irreverence or dis-'obedience.'—(quoted in MANT'S *Book of C. P.*; in HOOK'S *Ch. Dict.* Art. 'EAST;' in STEPHEN'S *Book of C. P.* E. H. S.)

SHEPHERD (*ob.* 1805) remarks,—'In the recital of the CREED 'it was customary to *turn towards the Chancel or Eastern part* of

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'the edifice. This ancient custom, though not enjoined by any 'RUBRIC, or Direction of our Church, that I at present recollect, is 'still retained by many of our Congregations. For the origin 'of this practice we must look to the usage of antiquity, where the 'CREED was first publicly used in *Baptism*. The renunciation 'of "the Devil and all his works, the pomps &c.," was made by 'the Catechumens with their faces turned to the *West;* but in the 'CREED, and the vow of obedience, they *turned to the East*. The 'meaning of which symbolical practice has been thus explained — '"The *West* is the place of darkness. Satan is darkness, and his 'strength is in darkness. For this reason you look to the *West*, 'when you renounce the Prince of darkness." And Ambrose says, '"Thou art turned to the *East:* for he that renounces the Devil, 'turns unto Christ;" intimating that turning to the *East*, or rising 'sun, was considered as a conversion from Satan unto Christ &c. (vol. i. *p.* 249.)—*Eleo. of Book of C. Pr.*

Of later date we may quote the following :—

REV. W. GOODE, after saying a word upon 'Bowing at the name 'of Jesus,' adds — 'Whatever sanction may be derived from prece- 'dent for other Ceremonies, such as bowing to the East or the 'Communion Table, and *turning to the East when the Creed is* '*recited*, such Ceremonies clearly have not, in *Parochial* Churches 'or Chapels, any legal foundation to rest upon; and the prohibitory 'terms of the Acts of Uniformity and the Canon are against their 'use. It must be observed, however, that these remarks apply 'only to *Parochial* Churches and Chapels. Cathedral and Colle- 'giate bodies have peculiar Statutes of their own, in some of which 'certain usages of this kind are prescribed; and it appears that 'from the first, exceptions were made in some matters of this kind 'in favour of Cathedral and Collegiate Churches.' (*p.* 8.)...'The 'permitted continuance of these usages,' he goes on to show, 'natu- 'rally led to their partial retention in some Parochial Churches.' He subsequently adds — 'These customs having been apparently 'allowed to be retained in Cathedral and Collegiate Churches and 'Chapels, (and, in some required by Laud's Statutes), and in a 'measure tolerated in many Parochial Churches, there is a species 'of *sanction from custom*, which might be sufficient to protect 'their use in Parish Churches, in an Ecclesiastical Court. The 'exception, more or less directly sanctioned by authority in Queen 'Elizabeth's time, in favour of the Royal Chapels, and Cathedral 'and Collegiate Churches and Chapels, as well as Private Chapels, 'as to some of these observances, laid the foundation for much of 'the discordancy found in the usages of Parochial Churches, and 'was one great argument of which *Laud* availed himself in his 'directions respecting Parish Churches.' (*p.* 26.) — *Cerem. of Ch. of Eng.*

REV. J. JEBB says — 'The custom of *turning to the East during* '*the Creed*, immemorial in many Parish Churches, in the country 'especially, and universal in Cathedrals and Colleges, is as ancient 'as any ceremony of the Church. It has been disputed whether it 'is towards the *East* or the *Altar* that we are intended to turn..... 'The Christian Churches are generally placed with the Altar end 'to the East, as to the place whence the Day-spring from on high

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'visited us. But this is not universal: and it is remarkable that in 'Churches which are placed North and South, the custom of turn-'ing to the Altar during the *Creed* has immemorially prevailed..... 'We turn to the Altar, to express more strongly our Faith in 'Christ, whose death is there specially commemorated, and whence 'those holy elements are dispensed, which are peculiar means of 'grace, to refresh our souls, and to strengthen our faith.' (*p.* 354.) —*On Choral Service.*

Rev. T. Lathbury observes—'Another practice may also be 'mentioned, which is a thing of trivial consequence in itself, but 'which is *not authorized by the Church*—namely, that of *turning 'to the East when the Creed is repeated.* The safer course is to fol-'low the Injunctions of the Church, without deviation on either 'side. But it may be questioned whether *turning to the East,* 'inasmuch as it is not prescribed by the Church, is not actually 'prohibited by the following clause in the Act of Uniformity: [here 'is quoted the *Section* given above in *page* 398]. This clause in my 'opinion prohibits the use of any Ceremony not actually prescribed; 'and though I view the use of the term *Altar,* and the practice of '*turning to the East,* as matters of perfect indifference in them-'selves, and as no more Popish than the Dissenting practices of 'sitting at what is termed the Administration of the Ordinance, and 'also in the act of Singing; yet as neither is sanctioned by the 'Church, I cannot but conceive, at all events in times like the pre-'sent, that it is more prudent to avoid them altogether.' (*p.* 395.) —*Hist. of Convocation.*

Rev. J. C. Robertson says,—'As practices less generally 'observed, but having much sanction of a traditional kind, may be 'mentioned.....the custom of *turning to the East* at the Creeds.' (*p.* 299. *n.*)—*How shall We Conform to the Liturgy.*

The Quarterly Review remarks—'There is however a 'practice with the great majority of Congregations, and with 'individuals in all Congregations, which has apparently a great 'affinity to this practice of worshipping towards the East—we mean 'that of *turning towards the Communion Table* while repeating 'the Creeds, which does not seem to us liable to any objection, 'but on the contrary a reasonable usage which *ought to be 'universally followed.*—1. It is an ancient custom, not now 'introduced with any covert design. 2. It is a becoming one; 'when a large Congregation is directed to stand up and repeat 'with one accord a certain solemn form, a variety of aspects and 'attitudes looks discordant and irreverent. One direction (no 'matter, in this view, which) of the Congregational movement is 'desirable. 3. One direction being desirable, which shall it be? 'No doubt towards—not the East, but—the Altar; and for these 'reasons—because it is the practice—because, from the general 'arrangement of Churches, a person naturally stands fronting 'the Altar, and that in any other position half the Congregation 'must turn their faces to the wall, or the whole their backs to 'the Altar—because the Minister, whose voice we are to follow '(though in the Creed we hardly need his leading), is usually 'in that direction—because, in repeating the Creeds, we stand 'as *witnesses,* and are giving solemn evidence of our faith, and, 'as witnesses in a court of justice turn to the judgment-seat, we

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'turn to the Lord's Table, not as in itself in any mysterious abstract 'sense more holy, but as being associated with rites of a higher 'solemnity, and therefore naturally regarded with deeper habitual 'respect and reverence than any other portion of the Church. It 'is, we confess, to us a most beautiful and inspiring sight to see 'a whole Congregation suddenly throwing aside all variety of 'aspect and posture, and turning themselves with one accord in one 'reverential attitude, and with one voice repeating one profession 'of one faith, and communion and fellowship in one holy and 'apostolic Church. It is the only occasion in the whole Service in 'which the Congregation appears to do any spontaneous act, and it 'always looks to us as if it gave to the prescribed rite a peculiar air 'of personal sincerity and assent.' (*p.* 281.)—No. cxliii. *May*, 1843.

Connected with this subject is the custom of

Worshipping towards the East.

205.—As regards the position of our Congregations, who are usually placed with their faces *eastward* on account of the general structure of our Churches, this is not so much a matter for consideration; but when the practice is assumed by the *Officiating Minister*, who in such a case must necessarily turn his back to the assembled people, a custom so completely at variance with modern usage, except in the Romish Church, it becomes a matter of no small moment and importance; the more especially as the practice will not be found recognized by any *Canon*, or *Rubric* of the Reformed Church; and can only be defended from having originated with the primitive Christians, and continued to a later age. Its revival therefore in the present temper of the times by any Clergyman of the Church of England would be likely to excite popular prejudice, and produce strong remonstrances against its adoption; consequently the introduction of the usage cannot be recommended. The discussion of this point is naturally connected with the '*Place and Position of the Minister*,' to which we shall have presently to recur: in the mean while it may be profitable to peruse a few opinions upon the general subject of '*Worshipping towards the East*,' as a preliminary to that specific question.

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206.—One reason assigned for this usage was the ancient idea that the *East* was the symbol of Christ who was termed in Scripture the Sun of Righteousness, the Orient, the Light. A second reason was because the *East* was the locality of Paradise, whence a *Canon* of St. Basil directing, 'Praying towards the East 'to denote that we are in quest of Eden that garden 'in the East, from which our first Parents were 'ejected.' *Can.* 92. A. D. 369. Another reason was, that the *East* was the source of light and brightness. And a fourth, that it was in the *East* that Christ came on earth, in the *East* He ascended into heaven, and in the *East* He will be seen at His next appearance. From one, or other, or all of these reasons spring the ceremony among the early Christians of *turning to the East* when entering into covenant with Christ at Baptism; and the subsequent general practice of *Worshipping towards the East.* (See Tertull. p. 402.—*Clemens Alexandrinus*, Strom. vii. or *Bp. of Lincoln* on Clem. Alex. p. 452.—*St Augustin* de Serm. Dom. in Monte. lib. II. c. v.—*Gregory Nyssen*, Hom. v. de Orat. Dom.—*Basil* de Spirit. Sanct. c. xxvii.—*Apos. Cons.* lib. II. c. 57.—*John Gregorie's* Works, p. 89.—*Staveley* on Churches, p. 155.—*Socrates* Ecc. Hist. v. 22.—*Bingham's* Ant. of Chr. Ch. xiii. viii. 15.

Stryre in his '*Annals*' (i. 178) speaks of the Puritans at Frankfort during the reign of Mary (1553-58), complaining of other exiles for *turning eastward.* And in his '*Life of Parker*' (152) he mentions a Clergyman near Bocking being forbidden by the Dean 'to turn *towards the Altar* in reading the Service.'—(quoted in Robertson's *How shall we conform to the Liturgy.*)

Bishop Scot, the Romanist *Bishop of Chester*, speaking against the *Liturgy of Elizabeth*, in 1559, states that—'This booke takethe 'awaye, eyther in parte, or else clearly, as things not allowable '.....(among others).....prayinge towardes the East'.....—Cardwell's *Conf.* 110.

Clutterbuck remarks—'The Christians from the beginning 'built their Churches, and *worshipped towards the East*, because 'they expected our Saviour, who is called 'the Day-Spring from on 'high,' to come from thence. In that part also the holy Table, or 'Altar is placed, where God affords His most gracious and mysterious 'presence.' (*p.* 65, 66.)—*On the Liturgy.* Ed. 1713.

Dr. Collis says—'Most Churches are so contrived that the 'greater part of the Congregation *faces the East.* The Jews in 'their dispersion throughout the world, whenever they prayed, 'turned their faces towards the Mercy-seat, and Cherubim, where

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'the Ark stood. (2 *Chron.* vi. 36—38). Daniel was found praying towards Jerusalem. (*Dan.* vi. 10.).'—*On the Rubric*, p. 46. Ed. 1737.

WHEATLY (*ob.* 1742), speaking of the ancient Churches, observes:—'The Chancel was peculiar to the Priests, and sacred 'persons, and typified heaven: for which reason they always 'stood at the *East* end of the Church, towards which part of the 'world they paid a more than ordinary reverence in their worship; 'wherein *Clemens Alexandrinus* (Strom. *l.* 7. *p.* 724. C.) tells us, 'they had respect to Christ; for as the *East* is the birth and the 'womb of the natural day, from whence the Sun (the fountain 'of all sensible light) does arise and spring; so Christ, the true '"Sun of Righteousness," who arose upon the world with the light 'of truth, when it sat in the darkness of error and ignorance, is 'in Scripture styled the 'EAST.' (*Zech.* iii. 8; vi. 12; *Luke* i. 78.). 'And therefore since we must in our Prayers turn our faces 'towards some quarter, it is fittest it should be *towards the East;* 'especially since it is probable even from Scripture itself, that 'the majesty and glory of God is in a peculiar manner in that 'part of the heavens, and that the throne of Christ, and that the 'splendour of His humanity has its residence there.' (*p.* 67.)—*Rat. Ill. of Com. Pr.* Dr. Corrie's *Ed.*

From modern authorities we have the few following:—

The *late* BISHOP OF LONDON, (*Dr. Blomfield*) says:—'With 'regard to *worshipping towards the East*, there can be no doubt 'of its having been a very ancient practice of the Church; for it is 'mentioned by *Clement of Alexandria*, and by *Tertullian*. *Bishop* '*Stillingfleet*, one of the most learned of our divines, considers it 'to be one of those customs derived from primitive times, and 'continuing to our own, which there is no reason to oppose, but 'rather to comply with.—"And of all customs," he observes, "that 'of contention and singularity, where there is no plain reason 'against them, doth the least become the Church of God." '(*Eccl. Cases*, 382.)—I do not, however, consider it to be the 'intention of our Church, that the *Officiating Minister* when 'reading Prayers, should turn to the *East* with his back to the 'Congregation.' (*p.* 46, 47.)—*Charge*, 1842.

The BISHOP OF DURHAM (*Dr. Longley*), when Bishop of Ripon in 1849—50, denounced the usage practised at St Saviour's, Leeds, of *offering up the Prayers towards the East*. MR. PULLEN writes:—'Later in the days of *St Saviour's*, a few parts of the Service came 'under reproof, but at this time they were blamed by the Bishop '(*Dr. Longley*) for two things; first, because the Reader did not 'kneel with his face *southwards*, when he said the Collects, but '*knelt to the East*, all the Congregation doing the same. It may 'be that this was thought to teach "a sacerdotal mediation." The 'Bishop was offended by it: he ordered that if the Officiator *knelt* '*eastward*, he should do so "half way down the Nave." The seat 'of the Reader *faced to the East*, and could not be altered; he 'continued therefore to kneel in front of it, as before: while the 'Psalms were chanted he stood looking *southwards*. When reading 'the Exhortation, or Absolution, or saying "The Lord be with

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'you," he turned towards the People. In a word he turned *towards* '*the People* when speaking *to them,—away from them* when speaking '*to God.* The other complaint was that their *voices* were not *loud,* 'or *distinct* enough.' (*p.* 101.).....In 1850, Bishop *Longley* again remonstrated with the Incumbent, expressing his displeasure "that "Mr. Rooke says the greater part of the Prayers with his back "turned to the Congregation, and in so low and muttering a tone, "that the Congregation cannot possibly understand what he says. "My directions have been so distinctly given upon this point that I "am much surprised at this inattention to the lawful orders of your "superior." &c. &c. (*p.* 147.)—*Five Years at St Saviour's, Leeds.*

The Bishop of Worcester (*Dr. Pepys*), alluding to this question, says: —'This is a practice unquestionably very ancient, 'but it may be doubted whether antiquity can justify the 'observance of it, when it entails the inconvenience of the '*Officiating Clergyman* turning his back upon the greater part of 'his Congregation, while offering up Prayers in which they are 'expected to join. We have indeed, the less reason to respect 'this ancient mode of *worshipping towards the East,* when we 'consider the fanciful and superstitious reasons which are assigned 'for it by some of the Fathers.'—After quoting from *Lactantius, Tertullian,* and others, the Bishop adds:—'It is evident that the 'Fathers themselves were at a loss how to assign a valid reason 'for a practice, which certainly could derive no sanction from 'the authority of the Holy Scriptures. These, on the contrary, 'abound in representations of the universality of the Divine 'presence.....I am, indeed, much inclined to believe that this 'practice of antiquity, like many others, adopted by the primitive 'Church, owed its origin to the too ready admission into the 'Christian service of *forms* and *ceremonies* belonging to Pagan 'superstition.....In like manner, there is every reason to believe, 'that the practice of building our Churches *East* and *West,* was 'adopted from a similar practice having prevailed in the erection 'of heathen Temples.'—He then concludes by stating that these practices 'are not such as should command our respect, or be 'considered as essential in our forms of Divine Worship.'—*Charge,* 1845. (quoted in Stephen's *Laws Rel. to Clergy,* p. 1076.)

Rev. J. C. Robertson, after drawing his conclusions that—'the 'Chancel was ordinarily the place in which the Service should be 'read,' adds: —'The stricter Churchmen *turned Eastward;* which 'position, as well as the place of Service, the Puritans vehemently 'objected to, as a hindrance to hearing and understanding; Puritan 'Ministers, perhaps, sometimes factiously affecting to be inaudible, 'when tied down to the observance of the rule.....Although it was 'held desirable that the Minister should *look Eastward,* this was 'evidently not insisted on when it could really interfere with the 'edification of the people.' (*p.* 71.)—*How shall we Conform to the Liturgy.*

The Quarterly Review, in discussing the Bishop of London's arguments on this subject (*given above*), not only expresses a difference of opinion, but objects also to the application made by his Lordship of Bp. Stillingfleet's remarks. It begins with animadverting upon the practice of '*worshipping towards the East*

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which it explains as 'the priests' worshipping—that is, performing 'the Service with his face turned to the *East*, irrespectively of all 'other circumstances.' (*p.* 275.) The REVIEWER then proceeds:—'This is no trifle—on the contrary, it seems to us a most important 'and dangerous innovation, and that strikes directly at one of 'the greatest practical blessings introduced by the Reformation—'COMMON PRAYER.....The Romish Priest stands at the Altar with 'his face directed towards it—that is, *towards the East*, where their 'Altars are generally, though not always placed, and then performs 'his functions as if he were the single worshipper. The Reformed 'Minister, on the contrary, is provided with a 'Desk' near to the 'main body of his Congregation, whom he invites to *join with him* 'in the established form of Common Prayer; and for this purpose 'it was one of the first Rubrics of the Reformation, and has been 'sanctioned by an almost universal custom, that "*the Minister shall* '*so turn him as that the people may best hear.*" (*p.* 276.).....When 'the true principles of Christianity freed themselves from the 'Pagan dross—when we came to know that the *one great* Sacrifice 'on Calvary rendered, not merely vain, but idolatrous, any other 'pretended sacrifice—when we came to acknowledge no mediator 'between us and God but our Saviour Himself—the *east end of* '*the Church* became no more than the convenient location of—not 'an *Altar of sacrifice*, but—a Table of holy Communion; and 'the Minister became not a sacrificator, nor a hierophant, but the 'fellow-suppliant and leader of a flock whose weakness he is to 'support, whose energies he is to direct, whose devotion he is to 'awaken in their hearts and to prompt to their lips. He is 'therefore not a *Mediator*, but a *Medium*—he is not, *there* and *in* '*that character*, so much a worshipper as the organ of worship—'employed *on that occasion* more especially for their instruction 'than for his own.....The practice therefore of any *Minister* who 'performs *Common Prayer* affecting to turn away from his 'Congregation, to seclude himself in some kind of personal 'abstraction, and to give colour to a superstition that God is more 'immediately present in one part of His Churches than another, 'seems to us a most blameable misconception of his duty, and '(however far that *may* be from his intention) a most dangerous 'recurrence to *Romanist*—nay, *Pagan* practices. (*p.* 277.).....If 'there were an order (*which there is not*) that the people should say 'their Prayers *turned to the East*, the Minister who is to prompt 'the Prayer must turn himself East or West, North or South, 'according to the localities—and so pronounce the Prayer as to 'be best followed by the people. This is common sense—but this 'is not all. There is a positive Rubric which contradicts this new 'practice. In the most holy of our Rites the Minister is enjoined to 'stand, read, and pray at the *north side* of the Communion-Table; 'if in that situation, he turns to the *East*, he must read and pray 'with his face to the wall: and how is he to be in those Churches 'in which the Table is not placed at the *East* end?—are the 'Congregation to turn away from the Minister; or even as might be 'the case, to turn their backs on the Altar, in order that they may 'worship to the *East?* Surely no dicta of Clemens or Tertullian, 'nor any other ancient authority, can justify a practice so absurd 'in itself, and so directly at variance with two of the main 'principles of the Reformation—*Common Prayer*, and the denial

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'that the Communion-Table is an *Altar of Sacrifice*.' (*p.* 278.) The REVIEWER then endeavours to set aside the application of the Bp. of London's citation from Bp. Stillingfleet, by the following quotation from the same Author:—"*Worshipping towards the East* "was a very ancient custom in the Christian Church. I grant "that very insufficient reasons are given for it; which *Origen* "would not have men too busy in inquiring into, but to be content "that it was generally received as a practice even in his time: "so doth *Clemens Alexandrinus* before him, who thinks it relates "to Christ as the Sun of Righteousness. *Tertullian* and *S. Basil* "own the custom, and give no reason." (*Eccl. Cases*, 266. 'Ed. 1702.).....We do not believe that in any age or any Church a 'Congregation worshipped to the *East* because it was the *East*; 'they followed the instinct that guides every assembly of men, 'whether collected for business, or pleasure, or prayer, to turn 'instinctively towards the person who is the organ of the meeting—'an audience to the stage—a court towards the advocate—a senate 'towards the orator—a conventicle towards the Preacher. The 'Romanists turned not to the *East*, but to the Priest—the Priest, 'indeed, stands at the Altar, they therefore turned towards the 'Altar—the Altar indeed is commonly at the East, therefore they '*turn to the East*—and that is all!.....In fine, is it worth while 'to revive a custom for which the principal authorities quoted 'in support of it give—some, no reason at all; others, very bad 'reasons; and one, more candid, advises you not to inquire too 'deeply into its origin.' (*p.* 279—281.)—No. CXLIII. *May*, 1843. See 'THE PLACE AND POSITION OF THE MINISTER,' *postea*.

Burying towards the East.

207.—For similar reasons to those assigned for *Worshipping towards the East*, the Officiating Minister standing at the head of the Grave turns to the East while reading the "*Burial Service*," and the Bodies of the Dead also are usually deposited in the grave with their feet to the East.

DURANDUS writes:—'Debet autem quis sic sepeliri, ut, capite ad 'occidentem posito, *pedes* dirigat *ad orientem*, in quo quasi ipsa 'positione orat; et innuit quod promptus est, ut de occasu festinet 'ad ortum de mundo ad seculum.'—*Rational.* lvii. c. 35. §. 39.

WHEATLY says:—'As for the posture or position of the *Corpse* 'in the grave, it hath been always a custom to bury them with '*their feet Eastward, and their feet upwards*, that so at the 'Resurrection they may be ready to meet Christ, who is expected 'from the *East*, and that they may be in a posture of prayer as 'soon as they are raised.' (*p.* 585.)—*Rat. Ill. of Book of Com. Pr.* Dr. Corrie's *Ed.*

The REV. J. E. RIDDLE observes that —'The Corpse was laid in 'the Grave in the same position as that which is usual at the

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'present day. Various reasons for this practice are assigned by 'Beda Venerab., Isidorus Hispal, and Durandus, which are thus 'represented by Andr. Quenstedt (*De Sepult. Vet.* p. 133.), "Christiani solent sepelire. 1. *Supinos*, quia mors nostra proprie "non est mors, sed brevis quidam somnus. 2. *Vultu ad cœlum* "*converso*, quia solo in cœlo spes nostra fundata est. 3. *Versus* "*orientem*, argumento sperandæ et exoptandæ resurrectionis." (*p.* 759. *n.*)—*Manual of Christian Antiq.*

(*e*)—*The Ring in Marriage.*

208.—The use of the RING *in Marriage*, like the *Cross* in Baptism, is open to no question, since it is not only prescribed in the *Rubric* of the present Liturgy, (a Rubric continued down to us from the *First Liturgy of* EDWARD VI. 1549), but immemorial custom has made it an indispensible part of the Marriage Ceremony in the eyes of the people. The discussion of its origin and signification, therefore, will be deferred till we come to treat upon the *Rubrics* of the MARRIAGE SERVICE, which will save considerable repetition.

[KNEELING, SITTING, STANDING.]

[It would not be well perhaps to pass over without some notice in this place the CEREMONIES of *Kneeling*, *Sitting*, and *Standing*, as regards their general practice in the Services of the Church. The especial occasions calling for their observance will appear in the *Rubrics* as we proceed.

209.—I. *Kneeling.*—The posture of *kneeling* at prayer is derived from Scripture, where many examples will present themselves, as in *Gen.* xvii. 3. 17; *Numb.* xvi. 22; *Josh.* v. 14; 2 *Chron.* xx. 18; *Ps.* xcv. 6; *Luke* xxii. 41: *Acts* vii. 59, 60; ix. 40; xxi. 5; *Eph.* iii. 14. This attitude is mentioned by many of the early Christian writers; and was considered to be expressive of man's humility, and of his need of God's grace, help, and compassion: yet with a few exceptions it was indifferently used with standing in public worship.

'It is to be noticed, however, that the primitive Christians, 'out of a peculiar regard for the LORD'S DAY, and the joyful 'season between Easter and Whitsuntide, did (with the exception 'of the Penitents, who were denied this privilege) then perform

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'their whole devotions *standing*, instead of *kneeling;* and this 'custom was confirmed by the Council of Nice, for the sake of 'uniformity.'—(DR. HOOK'S *Ch. Dict.* 6th edit. *Art.* 'KNEELING'). See BINGHAM'S *Christian Antiq.* XIII. 8.; which thus reads:—

'Because there are some who *kneel* on the *Lord's Day*, and even 'in the days of Pentecost (i. e. the *fifty days* from Easter to 'Whitsuntide inclusively); that all things may be uniformly 'performed in every *Parish*, it seems good to the holy Synod, 'that Prayers be made to God *standing*.'—CANON 20. ST BASIL in his *Canons* of A. D. 369, speaks of this practice as one of tradition. And among the *Trullan Canons* of A. D. 683, the 20*th Canon of Nice* above quoted is renewed, adding—that 'Christians 'pray standing from the beginning of Even-song on Saturday, to 'the beginning of Even-song on Sunday, at which time they are 'to *kneel*.'—CANON 90. JOHNSON'S *Vade Mecum*, Pt. II. p. 57. 220. 250.

At the present day it is enjoined upon our Congregations in all acts of *Supplication*, *Prayer*, *Confession*, and *Adoration* by the RUBRICS of the Liturgy, as well as by the 18th CANON (of 1603—4). The latter runs thus:—

'In the time of Divine Service, and of every part thereof, 'all due reverence is to be used.....All manner of persons 'then present shall reverently *kneel upon their knees*, when 'the general Confession, Litany, and other Prayers are read; 'and shall *stand up* at the saying of the Belief, according to 'the rules in that behalf prescribed in the Book of Common 'Prayer.'—CANON 18.

210.—When the OFFICIATING MINISTER is engaged as a Worshipper he *kneels* likewise; but when he speaks *ministerially* only, either for the people, or as the ambassador of God, as in the Absolutions, or in reading the Word of God, he *stands*. To meet those cases where the *Rubrics* are deficient, WHEATLY gives two general rules:—'As to the posture of the People.....whenever the Priest '*kneels* they are always to do the same.' (*p.* 166.)—And with regard to the OFFICIATING MINISTER, he says:—'I take it for 'granted, that whenever the Church does not direct the Minister to '*kneel*, it supposes him to *stand*.' (*p.* 352.)—*Rat. Ill. of Book of Com. Prayer.* Dr. Corrie's *Ed.*

BISHOP WREN in his Visitation through the diocese of Norwich in 1636, directs:—'That every one of the people do *kneel* devoutly 'when the Confession, Absolution, Commandments, or any Collect 'or Prayer is read both at the time of the Common Service of 'the Church, as also at Christenings, Burials, Marriages, &c.'—CARDWELL'S *Doc. Ann.* II. 203.

ABP. SECKER (*ob.* 1768), speaking of the posture of *kneeling*, 'says:—'It doth so strongly both express and excite inward 'humility, that it should never be omitted wilfully or negligently, 'in favour of ease and indolence: considerations, very unworthy of

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'notice at such a time. Still they, whose infirmities will not 'permit them to be on their *knees* without pain or hurt, may 'doubtless allowably *stand*, or even *sit*; for God "will have mercy 'and not sacrifice." (*Matt.* ix. 13; xii. 7.). And further; as in 'many full Congregations this rule cannot be observed by every 'one without taking up more room than can with convenience be 'spared; certainly the superior rule, of doing "the things wherewith 'one may edify another" (*Rom.* xiv. 19.), binds us rather to 'be content with *standing*, though a less eligible posture, than 'exclude numbers of our fellow Christians from being tolerably 'accommodated for joining in worship with us. For *kneeling*, 'though greatly preferable, is not prescribed as indispensably 'necessary.'—(quoted in MANT's *Com. Pr.* p. 7.)

REV. THOS. ROGERS says:—'Undoubtedly every reasonable 'allowance will be made for age, and bodily infirmity: but a 'wilful negligence, or a fashionable carelessness, in this part of 'our devotions must be unjustifiable, and therefore inexcusable.'—*Lect. on Morning Service.* (*ib.*)

REV. J. JEBB, speaking of *kneeling* at Prayers, remarks:—'During this (the Confession), and all other Prayers, the lay 'members of most *Choirs* deliberately *sit down*; a practice 'diligently followed by the majority of the Congregation..... 'they ought to be reminded of the Rubric, as obligatory on them, 'were even all religious feeling wanting.....No excuse can be 'offered for such irreverence.....It would be well to recur to 'the ancient construction of the Stall-desks, which were extremely 'low, so that their occupants during the Prayers were obliged 'to *kneel down*.....The present custom of boxing up the Stalls with 'high wainscotted desks, encourages a half lolling posture between 'standing and kneeling, which is only one degree less irreverent 'than *sitting*.' (*p.* 252.)—*Choral Service.*

211.—II. *Sitting.*—The posture of SITTING is not recognized in the RUBRICS, or CANONS of our Church; and is only allowed in Divine Service during the musical performance of what is called the '*Voluntary*,' intended to afford Worshippers opportunity for solemn reflection; also at the reading of the 'Lessons;' and at the Epistle in the Communion Service; but at no other time except during the Sermon. The introduction of this usage is not only a deviation from the rule of the primitive Church, where the people even stood to hear the Sermon, but is a very unfitting posture for praise, or prayer. It may not be inappropriate to remark here, that the practice adopted by some Clergymen of *sitting down*, immediately after their private prayer on entering the Pulpit, till the Psalmody is finished, is neither Rubrical, nor becoming. (BENNET, BINGHAM, BISSE, COLLIS, HOOK, MANT, WHEATLY, and others.)

212.—III. *Standing.*—This posture is prescribed in the RUBRICS to the Congregation whenever uttering *praises* to God, as in the

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Psalms, and Hymns; or proclaiming their *Belief;* or when listening to the *exhortations* of the Minister speaking as God's ambassador. The OFFICIATING MINISTER also *stands*, when exhorting, and performing acts of authority, as in the Absolutions, and while reading the Word of God. The especial directions in the Liturgy will be commented upon, as we proceed; and it will be found, with the few exceptions above mentioned, that in Divine Worship when *not kneeling*, the Congregation should be *standing*, sitting is inadmissible. (BENNET, BINGHAM, BISSE, COLLIS, HOOK, MANT, NICHOLLS, WHEATLY, and others.).

¶. 'THE ORDER HOW THE PSALTER IS APPOINTED 'TO BE READ.'

(See under the *Rubric* in the 'MORNING PRAYER' directing where the PSALMS are to follow: *postea.*)

¶. 'THE ORDER HOW THE REST OF HOLY SCRIPTURE 'IS APPOINTED TO BE READ.'

(See under the *Rubrics* in the 'MORNING PRAYER' ordering when the 'LESSONS' are to be read: *postea.*)

¶. 'TABLES AND RULES.

'FOR THE MOVEABLE AND IMMOVEABLE FEASTS;
'TOGETHER WITH THE DAYS OF FASTING AND ABSTINENCE,
'THROUGH THE WHOLE YEAR.'

(Elucidated in *pages, supra.*)

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ORDER AND DECORUM

IN

Public Worship,

AND THE PRESERVATION OF THE SANCTITY OF THE CHURCH.

213.—HAVING under the head of 'CEREMONIES' considered the form and manner prescribed by the Canons, and Statute Law, of conducting with solemnity the Divine Services, it seems to be the proper place here to speak of the Ecclesiastical and Civil enactments which have for their object the maintenance of *Order and Decorum* in PUBLIC WORSHIP, and the preservation of the *Sanctity of the* CHURCH. These will be found as regards the *Officiating Minister* not only to prohibit any omission or alteration in the Services; but also to restrain every irregularity, and whatever in his demeanour might appear indecorous and unseemly.

The *late* BISHOP OF LONDON, (*Dr. Blomfield*) says:—'You are 'not to take as your rule and model in this respect the early 'Church, nor the primitive Church; but the Church of England 'as she speaks in plain and obvious cases by her Rubric and 'Canons, in doubtful and undecided ones by her Bishops. This 'is the language of common sense, as it is also of the Canon Law, 'laid down by its able interpreter *Van Espen:* "Singularium "Ecclesiarum ritus atque cæremonialia, sive ritualia, servanda "sunt; neque presbyteris, aliisve Ecclesiæ Ministris, ritum "præscriptum immutare licet, eo etiam prætextu, quod contrarius "ritus pristinæ Ecclesiæ disciplinæ conformior esset, videreturque "ad excitandam populi devotionem, necnon ad explicanda mysteria, "aptior et convenientior." (Pt II. s. 1. tit. v. c. 1. §. 24. See also '*Stillingfleet's Eccl. Cases.*). I earnestly wish that this rule were 'kept in view by all Clergymen. We should not then have to 'complain of unwarrantable *omissions* and *alterations* of the 'Church's Service on the one hand, nor of unauthorized *additions* 'to her ritual on the other. I confess that I view the former 'fault with less complacency than the latter.' (*p.* 51.)—*Charge*, 1842.

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214.—With respect to the Congregation, the intention of these enactments is to check all noise, irreverence, and disorder, whether arising from the idle within, or from the loiterer without; as well as to prevent the occurrence of any circumstance calculated to disturb Divine Service. SIR JOHN NICHOLL says—'Not merely the Statute Law, but the general 'Ecclesiastical Law, protects the sanctity of PUBLIC 'WORSHIP, and still more endeavours to prevent 'every circumstance which may lead to the disturbance 'of persons engaged in solemn acts of devotion; it 'prohibits all *quarrelling*, *chiding*, and *brawling* in 'the CHURCH or CHURCH-YARD, and requires decent 'and orderly behaviour.' (*Newberry* v. *Goodwin*, 1 Phil. 283.). Nor is this guardianship of the CHURCH and CHURCH-YARD limited to the hours of Public Worship, but extends also to Vestry-Meetings, and to the time when no Divine Services are being performed.

215.—Looking *first* at the CANONS,—the binding authority of which upon the *Clergy*, *Church-Officers*, and *Laity*, we have already discussed (in *par.* 50.), and which in matters especially connected with the CHURCH, and CHURCH-YARD, where not amended or repealed by the Statute Law, cannot be disputed,—we shall find that the CHURCHWARDENS, &c. are invested with full power to maintain Order and Decency, and to repress every disturbance and interruption. The remedy however prescribed by the CANONS, of 'presenting offenders to the Ordinary' at the annual Visitations, has given place, except in some peculiar and extreme cases, to the more summary process of appealing to the civil Magistrate; as we shall see when bringing forward the enactments of the Statute Law upon this subject. Yet reference to the CANONS must not be wholly set aside, since they define the nature of the duty in this respect imposed upon the *Churchwardens*, and explain also what is expected from the *Laity;* and *a fortiori*, what, and how much, necessarily devolves herein upon the Clergy. We will now quote the CANONS

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relating to these matters, taking them according to their subject, rather than their numerical order.

216.—*Continuance in Church during Service* enjoined.—

'The CHURCHWARDENS or Quest-men of every Parish, and..... 'Sidesmen or Assistants.....shall diligently see that all the 'Parishioners duly resort to their Church upon all Sundays 'and Holy-Days, and their *continue the whole time* of Divine 'Service; and none to walk, or to stand idle, or talking in the 'CHURCH, or in the CHURCH-YARD, or in the CHURCH-PORCH, 'during that time. And all such as shall be found slack or 'negligent in resorting to the Church (having no great or urgent 'cause of absence) they shall earnestly call upon them; and 'after due monition (if they amend not) they shall *present* them 'to the Ordinary of the place.'.....—CANON 90.

*** The authority of the Churchwardens *to enforce attendance at Church* has been repealed by later Statutes, (which will be found in *pars.* 107—8.); and by consequence their interference with regard to the 'slack and negligent' would not now be justifiable.

217.—*Disturbers of Divine Service.*—By another CANON the *Churchwardens*, &c., are required to check the rude and disorderly; thus—

'In all Visitations of Bishops and Archdeacons, the '*Churchwardens*, or Quest-men, and Sidesmen, shall truly and 'personally present the names of all those which behave 'themselves *rudely* and *disorderly* in the CHURCH, or which 'by ultimately *ringing of Bells*, by *walking*, *talking*, or other '*noise*, shall hinder the Minister or Preacher.'—CANON 111.

*** This *Canon* is confirmed and amended by the Statute Law. (see *infra*).

218.—*Loiterers.*—The *idle* and the *loiterers* about the CHURCH-YARD, &c., are also to be removed; thus—

'The *Churchwardens*, or Quest-men, and their Assistants, 'shall not suffer any *idle persons* to abide either in the 'CHURCH-YARD, or CHURCH-PORCH, during the time of Divine 'Service, or Preaching; but shall cause them either to come 'in, or to depart.'—CANON 19.

219.—*Profanation of Churches*, &c.—Again, care is to be taken that CHURCHES, and CHURCH-YARDS, are not *profaned* by *games*, and *sports*, &c.; thus—

'The *Churchwardens*, or Quest-men, and their Assistants, 'shall suffer no *Plays*, *Feasts*, *Banquets*, *Suppers*, *Church-Ales*, '*Drinkings*, *Temporal Courts*, or *Leets*, *Lay-juries*, *Musters*, *or* 'any other profane usage, to be kept in the CHURCH, CHAPEL, 'or CHURCH-YARD.....'—CANON 88.

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220.—*Reverence and Attention.*—But *reverence* and *attention* during Divine Service are strictly enjoined in another CANON; in which also the '*saying of the Responses*' is strongly urged upon the people; thus—

'In the time of Divine Service, and of every part thereof, all 'due *reverence* is to be used; for it is according to the Apostle's 'rule "*Let all things be done decently and according to order;*" 'answerably to which decency and order, we judge these our 'directions following:—No man shall *cover his head* in the 'CHURCH or CHAPEL in the time of Divine Service, except he 'have some infirmity; in which case let him wear a *night-cap*, or '*coif*. All manner of persons then present shall reverently *kneel* 'upon their knees, when the general 'Confession,' 'Litany,' and 'other Prayers are read; and shall *stand up* at the saying of the ''Belief,' according to the rules in that behalf prescribed in the 'BOOK OF COMMON PRAYER: and likewise when in time of 'Divine Service the Lord *Jesus* shall be mentioned, due and 'lowly *reverence* shall be done by all persons present as it hath 'been accustomed.....None, either man, woman, or child, of 'what calling soever, shall be otherwise at such times *busied* 'in the CHURCH than in *quiet attendance* to hear, mark, and 'understand that which is read, preached, or ministered; *saying* 'in their due places audibly with the Minister, the 'Confession,' 'the 'Lord's Prayer,' and the 'Creed;' and making such other 'answers to the Public Prayers, as are appointed in the BOOK OF 'COMMON PRAYER; neither shall they *disturb* the Service, or 'Sermon, by walking, or talking, or any other way; nor *depart* 'out of the CHURCH during the time of Service or Sermon, 'without some urgent or reasonable cause.'—CANON 18.

221.—We will now refer to the STATUTE LAW; and it will perhaps prove more serviceable to arrange the various disturbing causes, and the 'cases' brought before the Ecclesiastical Courts that have arisen from them, in the form of an *Alphabetical Digest:* applying as we proceed the clauses of the several enactments to each specific question. The ENACTMENTS are the following:—

Arresting a Clergyman	9 *Geo.* IV. *c.* 31. *s.* 23.
Brawling, Quarrelling, Smiting, &c. in a CHURCH, or CHURCH-YARD.....	5 & 6 *Edw.* VI. *c.* 4. 27 *Geo.* III. *c.* 44. *s.* 2.
Defacing any Altar, Abusing the *Lord's Supper*, or molesting the *Minister*.....	1 *Mar.* Sess. II. *c.* 3.
Disturbing the Minister, or Congregation	2 & 3 *Edw.* VI. *c.* 1. *s.* 2. 1 *Eliz. c.* 2. *s.* 9. 1 *Will. & Ma. c.* 18. *s.* 18. 52 *Geo.* III. *c.* 155. *s.* 12.
Lord's Supper, abusing,.....	1 *Edw.* VI. *c.* 1. 1 *Mar.* Sess. II. *c.* 3.

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Altering the Services.

222.—Any *alteration* in the prescribed Services either in the arrangement, phraseology, or in the ceremonial; any change of the Lessons, or Collects appointed in the *Calendar* of the Liturgy, or by the *Rubrics*;—and any *omission* of Prayers, Collects, or the Lessons, wholly or in part, or of any portion of the 'Occasional Services;'—or any *addition* to them—are contrary to the injunctions of the CANONS, 14. 16. 36; to the directions of the *Rubrics;* and to the *Acts of Uniformity* (see *pars.* 182—186); and expose the Clergyman so altering, omitting, or adding, to a suit in the Ecclesiastical Court; and if proved, the party is liable to the '*admonition*' of the Court; and the *payment of costs.* We may mention a few practices out of many under these several heads which are considered by some to be deviations from the letter of the law; and which will call for especial notice, at the RUBRICS where they may possibly occur.

223.—*Addition.*—Adding without authority extra Collects, or Prayers, either in the Service, or before or after the Sermon; announcing the Collect of the Day; proclaiming Women to be Churched; publishing the names of the Sick to be prayed for; giving out Notices, either illegal as to their subject matter; improperly with respect to place, as from the Reading-Desk, from the Communion-Table, or from the Pulpit; or incorrectly with regard to the person uttering them, as the Parish-Clerk, Churchwarden, or any person other than the *Officiating Minister.*

224.—*Alteration.*—Under this head are comprised,

(1) Unauthorized *Divisions* of the Services without the sanction of the Bishop of the Diocese; the capricious appointment of *Days,* and *times* of the day, for Public Prayers, the Occasional Services, and the Administration of the Sacraments; a neglect of the Rubrical directions with respect to the *Offertory* Sentences, and the Prayer for the *Church Militant,* particularly when there is no Sermon; reading the *Communion Service* sometimes in the Desk, and sometimes at the Communion-Table, &c.

(2) Altering the *phraseology* by way of explanation, or from negligence; as in the last of the Introductory Sentences beginning Morning and Evening Prayer, changing '*He*' to '*God;*' reading in the Collects '*Go before*' in the place of '*Prevent;*' altering in the Litany 'after our Sins,' and 'after our iniquities,' to '*according to our sins,*' and '*according to our iniquities;*' in the Exhortation at the Communion Service, instead of 'we eat and drink our own damnation,' saying '*condemnation,*' '*judgment;*' announcing and concluding the Lessons, and the Epistle, and Gospel, in language different from that prescribed by the Rubrics; giving out the Psalms of the Day according to the common custom, and not in close agreement with the letter of the Liturgy, &c.

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(3) In the *Ceremonial*, a want of conformity in *bowing* at the Name of Jesus; in turning to the *East* at the Creeds; in delivering the Elements at the Lord's Supper; in the method of Baptizing several children at the same time, and in sprinkling or dipping; in the place and time for Churching Women, &c. &c.; so in the Congregation *standing up* or *sitting* during the Exhortations, and at the Doxology after the Sermon; and their uncertainty in *kneeling* or *standing* in the Occasional Service.

225.—*Change.*—Here we may speak of changing the *Lessons* either from fastidiousness; or when long, from idleness; giving incorrect preference in the choice of the *Collects* when Sundays and Holy-Days concur; and other things of the like kind.

226.—*Omission.*—This refers to the omission of the Athanasian Creed; of any of the prescribed Prayers for the Queen, Royal Family, Parliament, or Ember Days, in order to abbreviate the Service; or of the Collects when two are appointed; or of parts of the Lessons from delicacy, or from being an array of hard names, or of genealogies: leaving out the Exhortation in the Marriage Service; or certain expressions in the Burial Service from scruples of conscience.

227.—*** Such are some of the proceedings now matters of controversy, or not sanctioned by the *strict letter of the law;* several of which however are considered justified when practised in accordance with the *long established custom* of the place, but not when they are innovations, novelties, or changes from the accustomed usage of the particular Church. We shall treat upon them more at large when we arrive at the RUBRICS with which they are connected; but with regard to the modern movement for the *Division of the Services*, see *par.* 172, *supra.* In the mean time we will proceed with the questions of ORDER and DECORUM *in Public Worship*, first quoting the following opinion of the Ecclesiastical Court respecting *Alterations* in the Services:—

SIR. J. NICHOLL, in the case of *Newberry* v. *Goodwin*, previously referred to, lays it down that —'the law directs that a Clergyman 'is *not to diminish* in any respect, or to *add to*, the prescribed form 'of Worship.....Nothing is left to the discretion and fancy of the 'individual. If every Minister were to *alter*, *omit*, or *add*, according 'to his own taste, this Uniformity would soon be destroyed; and 'though the *alteration* might begin with little things, yet it would 'soon extend itself to more important changes in the Public Worship 'of the established Church; and even in the Scriptures themselves, 'the most important passages might be materially *altered* under the 'notion of giving a more correct version, or *omitted* altogether as 'unauthorized interpolations.'

The Judge then proceeds to the specific charge before him, viz.;—'That the defendent (GOODWIN, the *Officiating Minister*) 'frequently *leaves out portions* of the Holy Scriptures appointed to 'be read; and often acknowledges that he has so done: and declares 'that he will do so again.....That on the preceding Sunday he '*omitted part of a Verse* in the "FIRST LESSON:" if the fact had

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'happened simply (though, strictly speaking, not legally justifiable 'to omit any part), yet, probably, this suit would not have been 'brought: but the Article proceeds to state that after he had '*omitted the verse*, he looked round to the pew of *Francis Newberry*, 'and said, "I have been accused by some ill-natured neighbour of 'making *alterations* in the Service; I have done so now, and shall 'do so again, whenever I think it necessary; therefore mark."— 'This gives a very different colour and complexion to the act; the '*omission* seems to have been made, not from mere feelings of 'delicacy, which though not a legal justification, would greatly 'extenuate the omission; but the *omission* seems to have been 'selected, as affording a favourable opportunity of asserting the 'general right, and even of reflecting, in the midst of the Service, 'upon those who questioned the general right. The violation 'therefore of the law was aggravated by circumstances which 'render the correction of the offence necessary and proper. If 'this Article should be proved, it will not only subject the 'party to '*admonition*,' but further, to the *payment of costs*.'— (1 Phil. 282—3.). ROGERS' *Eccl. Law*, 832; STEPHENS' *Law Rel. to Cl.* 174, 1083. See also LORD STOWELL's opinion, *page* 432.

*** Indictments upon the Statutes must be preferred at the *Assizes* next after the commission of the Offence. Those tried and punished by the Ordinary cannot again be tried for the same by the Justices, nor shall those tried by the Justices be again tried for the same by the Ordinary.—ROGERS, 833. (See 'BURIAL SERVICE;' 'and MARRIAGE SERVICE' *infra*.)

Arrest.

228.—*Arresting a Clergyman* when in the performance of any Parochial duty, whether on Sunday or Week-day, must necessarily be an interruption to Divine Service, and is therefore forbidden under penalty of fine or imprisonment, by 9 *Geo.* IV. *c.* 31. *s.* 23. (quoted in *par.* 111), such cases to be tried at the Sessions; similarly in *Ireland* by 10 *Geo.* IV. *c.* 34. *s.* 27.

This, however, is no new exemption. *Mr. Maskell* tells us that:—'Clergy, whilst carrying the Holy Eucharist to the sick, 'were privileged from *Arrest;* and an infringement of this formed 'one of the grounds of complaint of the Convocation of 1399. 'Foreign Canonists have extended this privilege so far as to assert 'that persons might avail themselves of the protection of such a 'procession: "sacerdos Eucharistiam deferens ad se confugientibus 'asylum præstat." Cf. Devoti. *Instit. Canon*, *tom.* 2. *p.* 333. Ferrarius '*Bibliotheca verb.* "Immunitas." Giraldus, *Expos. Juris. pontif.* 1. '§. 637.'—*Mon. Rit.* iii. 379.

——————— *any one*, Clergyman or Layman, on SUNDAY under *Civil process* (except in certain cases) is forbidden by 29 *Car.* II. *c.* 7. *s.* 6. (quoted in *par.* 138).

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Arresting a Dead Body for debt &c., once prevailed (*Lind.* 278; WOOD'S *Civ. Law* 143); but is now *illegal*. The authority of the case cited by *Justice* HYDE in *Quick* v. *Copleton* (1 Levinz, 161; 1 Sid. 242; 1 Keb. 866.), in which a woman was holden liable on a promise to pay, in consideration of forbearance to *arrest* the dead body of her son, which she feared he was about to do, was thus eloquently contradicted by LORD ELLENBOROUGH in *Jones* v. *Ashburnham*—'It is contrary to every principle of law and moral feeling. 'Such an act is revolting to humanity, and *illegal*; and therefore 'any promise extorted by the fear of it could never be valid in law. 'It might as well be said, that a promise in consideration that one 'would withdraw a pistol from another's breast, could be enforced 'against the party acting under such unlawful terror.' (4 East. 460—465).—BURNS' *Eccl. Law.* Phil. i. 259; CRIPPS. 64; STEER'S *Par. Law.* Clive. 53—4; STEPHENS' *L. Rel. to Cl.* 200.

Arson.

229.—*Setting fire* to any Church or Chapel, or Dissenting Chapel, or any house, stable, &c. is felony by 7 *Will.* IV. and 1 *Vict. c.* 89. *s.* 3. To be tried at the Assizes by 5 & 6 *Vict. c.* 38. Punishment is penal servitude for life, or 15 years, or imprisonment not exceeding 3 years, hard labour, solitary confinement, and whipping.—OKES' *Mag. Synopsis.* p. 706. 6th Edit. 1858.

Attendance.

230.—*Attendance at Divine Service* by the Parishioners, and *continuance* during the whole time, are enjoined by CANON 90, (quoted above), which is binding upon the *Churchwardens* &c., but upon the *Laity* generally only so far as it is explanatory of the Common law. The authority of the CANONS has been already discussed (in *par.* 50.), and the requirements and exceptions of the Statute law fully detailed. The Statutes enforcing *Attendance*, viz. 5 & 6 *Edw.* VI. *c.* 1. *s.* 2; 1 *Eliz. c.* 2. *s.* 14; 3 *Jas.* I. *c.* 1. *s.* 2. (5) have been repealed by 9 & 10 *Vict. c.* 59.; as shown above in *pars.* 107—8.

Belfry.

231.—The *Belfry* is a part of the CHURCH, and comes within the meaning of the Statute against '*Brawling and Smiting*' in Churches (5 & 6 *Edw.* VI. *c.* 4.): and the offence is also cognizable in the Ecclesiastical Court, as was decided in the case of *Wenmouth* v. *Collins*, in which a prohibition was prayed to stay a suit

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in the Ecclesiastical Court, for *brawling in the Belfry, and striking a man* there, upon the suggestion of this Statute, and that all Statutes are construable by the Common law: but the Court denied the prohibition, and the case was proceeded with in the Ecclesiastical Court. (2 Lord Ray 850.) See 'BELLS,' *postea.*

Brawling.

232.—Under the term *Brawling* the Statute includes not only noisy quarrelling or chiding in the CHURCH, or CHURCH-YARD, but the *uttering of any words* during the Divine Services not prescribed by the Liturgy, nor authorized by the Ecclesiastical or temporal law,—either by the *Officiating Minister*, by one or more of the Congregation, or by any idle or disorderly persons in the CHURCH-YARD. It particularly applies to the time of MORNING and EVENING PRAYERS, as well as during the performance of the Occasional Services. This restraining Statute is often needed to be called into requisition at *Marriages*, and at the *Burial Service*, as a country Clergyman especially too well knows: but it is also applicable at any time, even when no Service is being performed, as its object is to preserve the sanctity of the CHURCH, and CHURCH-YARD.

'If any person shall.....by words only, *quarrel*, *chide*, or '*brawl*, in any CHURCH, or CHURCH-YARD, it shall be lawful 'unto the Ordinary of the place where the same shall be done, 'and proved by *two lawful witnesses*, to suspend every person so 'offending; that is to say, if he be a Layman, *ab ingressu* '*ecclesiæ* ('from entering the Church'); and if he be a *Clerk*, 'from the ministration of his Office, for so long time as the said 'Ordinary shall by his discretion, think meet and convenient 'according to the fault.'—5 & 6 *Edw.* VI. *c.* 4. *s.* 1. (A. D. 1552.). See further under 'DISTURBING:' 'SMITING:' *infra.*

233.—But the suit against a Layman must be commenced *within eight months* after the commission of the offence: thus—

'No suit shall be commenced in any Ecclesiastical Court for '.....*Striking* or *Brawling* in any CHURCH or CHURCH-YARD, 'after the expiration of *eight calendar months* from the time 'when such offence shall have been committed.....'—27 *Geo.* III. *c.* 44. *s.* 2. (A. D. 1787.)

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But against *Spiritual persons* the suit may be commenced within *two years* after the commission of the offence: thus—

'Every *suit* or *proceeding* against any such Clerk in Holy 'Orders for any offence against the laws Ecclesiastical shall be 'commenced *within two years* after the commission of the 'offence, in respect of which the suit or proceeding shall be 'instituted, and not afterwards.'—3 & 4 *Vict. c.* 86. *s.* 20. (A. D. 1840.). 'And be it enacted that the Act, 27 *Geo.* III. *c.* 44. 'does not and shall not extend to the time of the commencement 'of suits or proceedings against Spiritual persons for any of the 'offences in the said Act named.'—ib. *Sect.* 21.

*** The object of the Statute against *Brawling* &c., (5 & 6 *Edw.* VI. *c.* 4.) is not to protect the individual, but the sacredness of the place; and it will be found that many disturbances in the CHURCH or CHURCH-YARD are visited with punishment, which occurring elsewhere would not be punishable at all. (*Austen* v. *Dugger*, 3 Phil. 122; *England* v. *Harcourt*, 2 Add. 306; *Palmer* v. *Roffey*, ib. 144.) And so, again, that may be indecent and censurable *during* Divine Service, which is not so when Service is at an end: on the contrary, that may be indecent *after* the Service which would not be so during its continuance, as repeating the '*responses*' aloud after the Service.—(*Worth* v. *Terrington*, 14. L. J. E. 133.) This Statute however does not abridge the Ecclesiastical jurisdiction, since the offence existed by the Common Law before the passing of this Act; so that a party may proceed either upon the Statute, which applies to other cases than religious differences, and gives additional punishment; or he may proceed upon the ancient law. (*Hutchins* v. *Denziloe*, 1 Consist. 181; *Jenkins* v. *Barrett*, 1 Hagg. 12; *Taylor* v. *Morley*, 1 Curt. 482; *Wenmouth* v. *Collins*, 2 Lord Ray, 850; Exp. *Williams*, 4 B. & C. 313.)

234.—We will now quote a few cases tried upon the charge of *Brawling*:—

Admonishing in Church forbidden.—In *Cox* v. *Goodday* it was decided that words spoken by an *Officiating Minister* during Divine Service by way of admonition of a passionate tenour, though expressed without any tone of passion, were within the words of the Statute (viz. 'quarrel, chide, or brawl'); and the *Officiating Minister* here was *suspended for a fortnight*. Yet LORD STOWELL said that a case might arise, which would justify the Clergyman in addressing a Congregation 'as far as was necessary to remove an 'obstruction to the Public Service.' (2 Consist. 138.).

Chiding is also forbidden.—In *Burder* v. *Langley*, the defendant was charged with *Brawling*: in that while he was in the performance of Divine Offices in his Church (*May* 9th, 1841.), shortly before the conclusion of the Litany, after the response immediately following the Prayer, beginning "*O God, Merciful Father &c.*," he made a short pause, and instead of proceeding with the Service, being wholly regardless of the sacredness of the place, and of his own duty in the performance of the Divine Office, he in a *chiding*

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quarrelsome, and *brawling manner*, and under much excitement, addressing the Congregation then and there present, said—"You 'were, perhaps, surprised at the pause I made at the end of the 'Prayer, but it reminded me of my enemies. I have this morning 'received a letter from the Archdeacon, offering some Clergyman 'to do my 'duty' for me: some one in the Congregation has had 'the audacity to write to the Archdeacon on the subject, &c. &c."—That he renewed his address after the response following the Ninth Commandment; and that by his *irreverent* and *improper* conduct he gave great offence to the Congregation, and reflected scandal and disgrace upon his sacred profession. SIR HERBERT JENNER FUST, in giving judgment, said the charge was clearly proved; adding, 'I pronounce that *Mr. Langley* has incurred *suspension for* '8 *Calendar months* from the day (including the day) when the 'sentence is notified. I *monish* him to abstain from such conduct 'in future: and I *condemn him in the costs.*' (1. Notes of C. Eccl. 542.).

Certificate not required.—On the question of a '*Certificate of* '*his good behaviour during suspension*' being required, it was decided that the Court had not the power to enforce it, inasmuch as the sentence precluded the opportunity of committing the same offence.

Expostulations forbidden.—In *Clinton* v. *Hatchard* uttering expostulations, remonstrances, and giving a formal *notice* to a Clergyman just about to ascend the Pulpit, in a Church of which he was the legally appointed *Assistant Curate*, that *another* Clergyman who had been elected to the situation of *Lecturer* by a majority of the Parishioners, but to whose election the Rector had not consented, was in attendance and ready to preach, was held to be 'brawling;' tumult and disorder having followed; which was considered by the Court to have been the actual, if not the designed, cause of the delivery of this notice. (1 Add. 96.)

Omissions and reflections.—In *Newberry* v. *Goodwin* (see above), *omitting* parts of the 'FIRST LESSON,' and reflecting in the midst of the Service on those who questioned the Officiating Minister's right to do so, is within this Statute, and was punished with *suspension for a fortnight, and costs.* (1 Phil. 282).

Part proven only.—In *Taylor* v. *Morley*, where charges against a Clergyman for quarrelling and brawling, and for insulting, disrespectful, and disobedient conduct in the Church, were only in part proved, the Court monished the defendant to be more careful, and condemned him in £75, *nomine expensarum.* (1 Curt. 480.).

Reproving.—In *Cox* v. *Goodday*, the defendant was charged in that without just cause he publicly, during Divine Service, reproved a person in Church. He was admonished, suspended for a fortnight, and condemned in the costs.—ROGERS' *Ec. L.* 268.

Two or *more* Defendants.—In all cases where *two* or *more* persons are implicated in a charge of '*brawling*' in a Church, it is immaterial which is most to blame; each is bound to abstain: and each failing to abstain, incurs a like penalty; and it is also unimportant which is

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the first aggressor. (*Palmer* v. *Roffey*, 2 Add. 141). Nor is the case of *one* of the two or more defendants a case for mitigated costs. *England* v. *Hurcomb*, 2 Add. 306.

235.—*** In all cases of '*brawling*' the CHARGE must be substantive and specific, so as to afford the accused an opportunity of defence, and the Judge of considering whether it is a fit case for the promotion of his office. It is not necessary that the witnesses should depose that the defendant actually 'chided, brawled, and quarrelled;' it is sufficient if they prove that *words of* '*brawling*' were used. (*Foote* v. *Richards*, 1 Lee, 265; *Hutchins* v. *Denziloe*, 1 Consist. 182; *Jarman* v. *Bagster*, 3 Hagg. 336; *Lee* v. *Matthews*, ib. 174).

Any person may promote Articles under this statute for '*brawling, &c.*' (*Huet* v. *Dash*, 2 Lee 514.): but there must be *two witnesses;* and the punishment is '*suspension*,' and the '*payment of costs.*' See 'PRIVILEGES AND RESTRAINTS OF THE CLERGY,' *postea.*

Burial Service.

236.—Any interruption to the *Burial Service* from noise, clamour, or other disturbance, is punishable under the Statute against '*Brawling*,' (5 & 6 *Edw.* VI. *c.* 4. see *above*); or under either of the Statutes against '*Disturbing a Congregation.*' (1 *Will. & Ma. c.* 18. *s.* 18; or 52 *Geo.* III. *c.* 155. *s.* 12: see *infra*).

The SEXTON has authority under the Churchwardens to restrain all such interruptions.

237.—*Omitting* any portion of the 'Burial Service' from conscientious scruples, such as the words '*as our hope is this our brother doth*,' incurs 'suspension' and the 'payment of costs,' by the Church discipline Act, (3 & 4 *Vict. c.* 86). The BISHOP OF EXETER, in his judgment *in re* Todd (*Clerk*), where the defendant omitted those words upon the plea that the person he buried had died in a state of intoxication, and therefore in sin,—decided that the defendant be *suspended* 14 *days*, and be *condemned in the costs* of the proceedings. (quoted in STEPHENS' *Eccl. Stat.* p. 2011).

A charge was brought against the REV. J. IRVINE, *Vicar of Leigh*, Manchester, *Nov.* 1852, of sometimes *mutilating the Burial Service*, and other times, *refusing to read the Burial Service* at PAUPER FUNERALS. The BISHOP OF MANCHESTER, (*Dr. Lee*), in replying to the Churchwardens (*Dec.* 15th, 1852), states:—'I have no hesitation in assuring you of my full conviction that 'such a practice is both illegal and unwarrantable.'—(After giving

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a history of the "Burial Service," and referred to the case of *Todd* cited above, the Bishop concludes in these words) —'I will add my 'earnest hope that *Mr. Irvine* will refrain, in future, from the 'course alleged, which I fully believe to be alike contrary to the 'Law of the Church of England, and the Spirit of the Church of 'Christ.' This case was also laid by the *Guardians of the Union*, before the *Poor Law Board*, who thus replied (as quoted in the *Leigh Chronicle*, July, 1853.):—

'Poor Law Board, Whitehall, May 14th, 1853.

'SIR,—I am directed by the Poor Law Board to state with 'reference to the communications from the Guardians of the Leigh 'Union in February last on the subjects of the difficulties which 'they have experienced in respect to the burials of certain poor 'persons from the Workhouse in the Parish of Leigh, that they 'have deemed it advisable to consult the Queen's Advocate upon 'the points which appeared to arise out of that communication. 'The Board have now to state, for the information of the Guardians, 'that he has advised the Board that the Minister of a Parish cannot 'legally refuse to bury the corpse of a poor person dying in a 'Workhouse situate in that Parish, on the ground of a want of 'proof that such person had been duly baptized, where there has 'been nothing to raise a suspicion of the absence of baptism. He 'says that the Minister must be prepared to prove the exception on 'which he means to rely, and that, in the event of his failing to do 'so, he will be legally guilty of ecclesiastical offence. The Queen's 'Advocate has also advised the Board, that, in his opinion, the 'Minister cannot legally omit to read any portion of the Burial 'Service as set forth in the Book of Common Prayer. He adds 'that it appears to him to be a case in which the Guardians or 'Minister may properly resort to the Bishop of the diocese, 'according to the preface to the Book of Common Prayer, '"concerning the Service of the Church." The Board perceive 'from the communication to them, that an application has been 'made to the Bishop of Manchester upon the subject, and they have 'perused the copy of the answer of his Lordship to that application, 'which coincides with the advice of the Queen's Advocate. But 'as that application was made by the Churchwardens of the Parish, 'while the Guardians of the Leigh Union were interested in the 'particular question, it seems to be proper that they should make 'a similar application to his Lordship, and it will probably facilitate 'the determination of the matter if they communicate to the 'Minister, in the first place, a copy of their proposed application.

'I am, Sir, your obedient servant,
'COURTENAY, Secretary.'

'John Hayes, Esq., Clerk to the Guardians
'of the Leigh Union.'

238.—BURYING without a certificate of Registry, unless *within* 7 *days after* notice is given to the Registrar, is liable to a penalty of not exceeding £10., by 6 & 7 *Will.* IV. *c.* 86. *s.* 27, to be recovered by distress, or imprisonment for not more than one calendar month, unless sooner paid. (*ib. s.* 45). Information must be laid within three calendar months, before two Justices of the Peace. (7 *Will.* IV. and 1 *Vict. c.* 22. *s.* 31.)

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239.—*Disinterring* a Dead body without a Magistrate's Order is a misdemeanour, triable at the Sessions, and liable to a fine, or imprisonment, or both; *R.* v. *Lynn*, 2 T. R. 733: *R.* v. *Gillies*, R. & Ry. 266. n.—OKES' *Mag. Synopsis*, p. 722. 6th Edit. 1858.

DR. WADDILOVE, (*Advocate in Docs. Coms.* and *Barrister-at-Law*) writes:—'If a Churchwarden (*a fortiori* any other person) were to 'give orders to remove a *Monument* or a *Body* without a Faculty, he 'would be liable to be proceeded against in the Ecclesiastical Court. '(*Hutchins* v. *Denziloe and Loveland*, 1 Hagg. Con. 172.).'—*Eccl. Digest.* p. 119.

Cathedrals.

240.—CATHEDRALS as well as other Churches are within the meaning of the Statute against '*Brawling and Smiting*,' 5 & 6 *Edw.* VI. *c.* 4.; as was decided in *Dethick's* case. (*Cro. Eliz.* 224.; 1 Leon. 248.)

Churchwardens' Duty in preserving Order.

241.—It is one of the especial functions of *Churchwardens*, *Quest-men*, and *Sidesmen*, imposed by the CANONS of 1603—4, quoted in *par.* 215, and which are still binding upon them, to take care that there is no *walking about*, *talking*, or *irreverence* of any kind, in the CHURCH, or CHURCH-YARD during the performance of the Divine Services. It is to them only that the OFFICIATING MINISTER can legally appeal when in Church for the preservation of *order* and *decorum*; so that if they absent themselves from the Divine Services except from necessity, and any case should arise calling for their interference, and they are not present to restrain the disturbance, they can be presented by the *Minister* for neglect of duty, and bring down upon themselves the 'admonition' of the Ecclesiastical Court, and the payment of the costs of the suit. (1 Consist. 174; 1 Hawk. 139; 1 Mod. 168.—See the *Bishop of London's* remarks, *par.* 213, and *infra.*)

MR. BARON ALDERSON observes:—'In *Hawkins'* Pleas of the 'Crown (*lib.* 7. *c.* 63. *s.* 29.), it is laid down that CHURCHWARDENS, 'and perhaps private persons, may *whip Boys* for playing in the 'Church, or *pull off the Hats* of those who obstinately refuse to take 'them off themselves, or gently *lay hands on* those who disturb the 'performance of any part of *Divine Service*, and *turn them out* of

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'the Church. And that for so doing, they do not come within the 'meaning of this Statute.' (5 & 6 *Edw.* VI. *c.* 4. against '*Brawling* '*and Smiting.*')—STEPHENS' *Eccl. Statutes*, in loco, 338. *n.*; *Laws Rel. to Cl.* 343.; DR. PRIDEAUX, 12. (see also *Williams* v. *Glenister*, 8 B & C. 699.; 4 D & R. 217. s. c.)

SIR GEORGE LEE says:—'CHURCHWARDENS are Parochial 'Officers for several purposes, and are to inspect the morals and '*behaviour* of the Parishioners, as well as to take care of the goods 'and repairs of the Church.' (*Govs. of St Thomas's Hosp.* v. *Trehorne*, 1 Lee, 129.) quoted in BLACKSTONE'S *Com.* i. 394; BURNS' *Eccl. L.* Phil. i. 398; STEPHENS' *Laws Rel. to the Cl.* 342.

DR. ROBERT PHILLIMORE states:—'CHURCHWARDENS may and 'ought to repress all indecent *interruptions* of the Service by others, 'and desert their duty if they do not.' (2 Consist. 141.) BURNS' *Eccl. L.* Phil. iii. 432; ROGERS' *Ec. L.* 255.

DR. PRIDEAUX says:—'It is laid down by the early text writers, 'that a CHURCHWARDEN must be a *resident* inhabitant, and not 'merely an outsetter, who occupieth lands in the Parish but doth 'not dwell therein: because by the duty of his office he is obliged 'to be *present at the Parish Church* of which he is CHURCHWARDEN 'on all *Sundays* and *Holy-Days*.....to take care that no disorder be 'committed in the said Church, or in the Church-Yard, during 'Divine Service and Sermon, but that all things be kept in order 'and quiet, which he is incapable of duly performing as long as 'he lives out of the Parish.' (*p.* 5. 9. 60.)—C. G. PRIDEAUX'S *Chw. G.* 5. 253; GIBSON'S *Cod.* 215.

LORD STOWELL (formerly *Sir William Scott*) remarks:—'I 'conceive that originally the *Duties* of CHURCHWARDENS were 'confined to the care of the Ecclesiastical property of the Parish, 'over which they exercise a discretionary power for specific 'purposes; in all other respects it is an office of *observation and* '*complaint*, but not of *control*, with respect to Divine Worship; 'as it is laid down in AYLIFFE (*Parergon.* 170.) in one of the best 'Dissertations on the Duties of Churchwardens, and in the *Canons* 'of 1571.....In the Service, the Churchwardens have nothing to do 'but collect the *Alms* at the Offertory; and they may refuse the 'admission of *strange Preachers* into the pulpit, which they are 'authorized to do by the CANON. But how? When "*Letters of* '*Orders*" are produced, their authority ceases.* Again, if the 'Minister introduces any *irregularity* into the Service, they have no 'authority to interfere; but they may *complain* to the Ordinary 'of his conduct. I do not say there may not be cases where they 'may be bound to interpose: in such cases they may repress, and 'ought to repress, all indecent *interruptions* of the Service by 'others, and are the most proper persons to repress them, and they 'desert their duty if they do not. And if a case could be imagined 'in which even a Preacher himself was guilty of any act grossly

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* MR. CRIPPS adds in a note:—'Not altogether; they should 'keep an entry of the Name, &c., and report the same.'

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'offensive, either from natural infirmity, or from disorderly habits, 'I will not say that the Churchwardens, and even private persons, 'might not interpose to preserve the decorum of Public Worship. 'But this is a case of instant and overbearing necessity that 'supersedes all ordinary rules. In cases which fall short of such 'a singular pressure, and can await the remedy of a proper legal 'complaint, that is the only proper mode to be pursued by a 'Churchwarden, if private and decent application to the Minister 'himself shall have failed in preventing what he deems the 'repetition of an irregularity. At the same time, it is at his 'own peril if he makes a public, or even a private complaint, in 'an offensive manner, of that which is no irregularity at all, and 'is in truth nothing more than a misinterpretation of his own.' (*Hutchins* v. *Denziloe and Loveland*, 1 Consist. 173.)—quoted in BURNS' I. 398; CRIPPS', 193; STEPHENS' *L. Rel. to Cl.* 344. See also STEERS' *Par. Law*, Clive. 109; and *Cox* v. *Goodday*, 2 Hagg. 138.

In the case of *Hawe* v. *Planner* it was decided that 'CHURCHWARDENS might interfere to preserve *decorum* in the 'Church. Here the Congregation were assembling for Divine 'Service, and the Defendants, in *taking off* the Plaintiff's *hat*, 'only did what was necessary to guard against interruption, 'and a most unseemly exhibition during its progress; that they 'were fully entitled to do.'—(1 Saund. 13; 1 Sid. 301.). See also *Cory and others* v. *Byron*, 2 Curt. 396.

Clergyman's conduct.—In addition to the opinion of LORD STOWELL, (given above), it is stated by CRIPPS:—'As to the cases 'in which CHURCHWARDENS would be bound to present the 'conduct of the PARSON, we may give as examples,—if he should be '*irregular* in the performance of Divine Service; or wilfully *alter* 'or omit any part thereof; or *introduce* things not sanctioned by 'the Rubric; or *refuse* or *neglect* to perform any of his Parochial 'Duties, as Visiting the Sick, Administering the Sacraments, or 'other matters of like nature; also, if he should be *non-resident*, 'without such licence or exemption as is allowed for that purpose, 'for more than 3 *months*, either together or accounted at several 'times in any one year (by 1 & 2 *Vict. c.* 106.); or if he should in 'any manner be guilty of leading an immoral or irregular life..... 'CHURCHWARDENS are also to see that *Curates* are duly licensed 'and approved of for that office; and that no *strangers preach* in 'the Church, unless they are satisfied that they are in Holy Orders, 'and duly licensed to preach by the Bishop.'—*Laws Rel. to. Ch. and Cl.* (*p.* 192.). CANONS 28. 48. 50.—But the stranger presenting his '*Letters of Orders*' their duty ceases. ROGERS' *Ec. L.* 254.

In *Bennett* v. *Bonaker* it was decided that the Court is bound to admit Articles by a CHURCHWARDEN against an Incumbent for frequent *irregularities* in the performance of Divine Service, and of Parochial Duties, and for violence in the CHURCH-YARD. (2 Hagg. 25.)—BURNS' *Eccl. L.* Phil. I. 399; STEPHENS' *L. Rel. to Cl.* 244. See CANONS 14. 21. 41. 45. 47. 59. 62. 66—69. 75. 122.

Exceeding their Duty.—Although CHURCHWARDENS have power and authority to interfere in preserving *order* and *decorum* during the time of Divine Service, and to repress all indecent interruption;

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yet in the *administration* of the Divine Services, even if the *Minister* introduce any irregularity, they have no power whatever to interfere. This, (the administration), says CRIPPS, is more particularly the immediate province of the Clergyman, subject to the control of the Ordinary, So that in *Hutchins* v. *Denziloe*, proceedings were sustained against the Churchwardens for interfering to obstruct and prohibit the form of *Singing*, &c., which had been authorized by the OFFICIATING MINISTER. This called for the opinion of LORD STOWELL on the precise Duties of CHURCHWARDENS given above, and which he prefaced by saying:—'The first point is, whether 'these Churchwardens have a right to interfere in the *Service* of the 'Church? as if that interference is legal in any case, it is so in the 'present. To ascertain this, it is proper to consider what are their 'Duties; and I conceive that originally, &c.'—And it was decided that they cannot interfere in the administration of the Services, their duty herein being one of observation and complaint only.—quoted above, *page* 465. (1 Consist. 170.).

Hats removed.—It was decided in the case of *Hall* (or *Hawe*) v. *Planner*, that CHURCHWARDENS may justify *taking off the Hat* of a person who refuses, upon request, to do it himself. And so long as it is done quietly and without disturbance, no action of assault can be maintained against them. (2 Keb. 124; 1 Lev. 197; 1 Saund. L. 14; 1 Sid. 301. So in *Glover* v. *Hind*, 1 Mod. 168.). CRIPPS, 192; STEPHENS' *Laws Rel. to Cl.* 343; C. G. PRIDEAUX, 257. In the reign of Elizabeth, and in succeeding reigns, it was by no means uncommon for men to sit *covered* during divine worship; and the practice seems to have increased as Puritanism advanced. In a Work of that age, entitled '*Plea of the Innocent*,' we read, "the "custom of men's sitting uncovered in the Church is certainly very "decent, but not very ancient." See LATHBURY'S *Hist. of Book of Com. Prayer*, p. 117: CARDWELL'S *Doc. Annals*. ii. 203.

Neglecting Duty.—If the CHURCHWARDENS *omit* to present, they may be forced to do it by the Ordinary in his Visitation, on his having notice of the thing; and when they are informed by the Minister, or Parishioners. And if the CHURCHWARDENS refuse so to do, they may be proceeded against as wilful breakers of their *oath*, or solemn *declaration* (5 & 6 *Will.* IV. *c.* 62. *s.* 9.), and in the interim be barred the Communion by the Minister of the Parish. (DR. PRIDEAUX, 3, 4; C. G. PRID. 4th ed. 278; BURNS' *Eccl. L.* Phil. I. 408. *d.*; ROGERS, 253; STEPHENS' *Laws Rel. to Cl.* 346.) CANONS 26. 117.

Parish-Clerks (*contending.*)—It was decided before BARON ALDERSON in *Burton* v. *Henson*, that CHURCHWARDENS were justified in preventing a person who had been wrongfully dismissed by the Minister from the Office of Parish-Clerk, and whose place was filled by a Clerk *de facto*, from forcing his way into the Clerk's seat immediately before the commencement of Divine Service; and in turning him out of the Church on his persisting in the attempt. (10 *M.* & *W.* 105.)

In the case of *Worth* v. *Terrington*, the Plaintiff wilfully and contemptuously came into the Church of Walsoken during the time that Divine Service was being celebrated therein, and

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disturbed the same and the Congregation there, by wrongfully getting into the Clerk's Desk, and preventing the lawful Clerk from entering therein; and by making loud noises, and by reading and singing in a loud, noisy, and unbecoming manner, and by otherwise conducting himself in an indecent and irreverent manner; whereupon the defendant *Terrington*, being one of the Churchwardens, for the preserving of due decorum, decency, and reverence in the Church, and for removing the interruption and disturbance of the Congregation, requested the Plaintiff to leave the Desk, and to cease such disturbance &c.; the Plaintiff refused. Wherefore *Terrington*, as such Churchwarden, with the aid of others, gently laid their hands on the Plaintiff, forced him out of the Desk, and turned him out of the Church. The Plaintiff threatening to return and renew the disturbance, they imprisoned him, and kept and detained him so imprisoned *for a reasonable time;* to wit, 2 *hours*. Here however the Churchwardens were at fault for *detaining him* in custody after he had been turned out. (13 M. & W. 781; 14 L. J. Ex. 133.) — STEPHENS' *Laws Rel. to Cl.* 843; C. G. PRIDEAUX. *Chw. Guide*, 260. *n.* (See also *Williams* v. *Glenister*, 3 B. &. C. 699; 4 D. & R. 217. S. C.)

Seats Disputed. — In the case of *Reynolds* v. *Mouckton* (A. D. 1841), two parties laid claim to a *Pew*; the one by custom and prescription, the other because it had been assigned to him by the Churchwardens: and it appears that on a Sunday, when the Congregation were assembling, and before the *Officiating Minister* had entered, the first of these claimants had taken his seat in the *Pew:* the Churchwarden desired him to leave it; and on his refusal, laid his hand on him to turn him out, but he rose and walked out. There was contradictory evidence as to the amount of violence actually used: wherefore MR. BARON ROLFE, in summing up, thus expressed himself: — 'I think that the 'CHURCHWARDENS have a right to exercise a reasonable dis-'cretion in directing where the Congregation shall *sit:* and if 'the Defendant (the *Churchwarden*) used no unnecessary force, 'he had a right to *remove* the Plaintiff from the *Pew* in question 'to another Seat. If, in the exercise of a fair discretion, the 'Churchwardens thought it more convenient, that the *Pew* 'should be occupied by Gaylard's family, and not by the Plaintiff, 'and if the removal could be effected without public scandal, or 'the Disturbance of Divine Service, the Defendant was justified. 'You are to say whether any unnecessary violence was used.'— The Jury, however, considered that unnecessary violence had been used, and returned their verdict for the Plaintiff, the party ejected from the Pew, and who had brought the action against the Churchwardens for an assault. (2 M. & R. 384.). — CRIPPS, 192; STEPHENS' *Stat.* 838.

Sidesmen are as liable as Churchwardens for neglect of duty, or for exceeding their authority; as was decided in the case of *Palmer* v. *Tijou;* where the Defendant (a Sidesman) was convicted of '*brawling*' in the Church. He was in consequence suspended, and condemned in the sum of £50. *nomine expensarum;* the prosecutor in this case not being entitled to his *full* costs. (2 Add. 196.).

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When no Service. — 'It is very questionable,' says PRIDEAUX, 'whether a CHURCHWARDEN has the right, by virtue 'of his office, to turn a person out of the CHURCH or CHURCHYARD 'for misconduct, at a time when *no Service* of the Church is going 'on. In a very recent case, the Court of Exchequer expressed an 'opinion that a Churchwarden had no such inherent right, and 'that he could only justify such an act under the Rector as free-'holder, and after a request to the party to leave.' (See *Worth* v. *Terrington*, 14 L. J. Ex. 133.) — C. G. PRIDEAUX *Chw. Guide*, 260. *n.*

ROGERS says — 'It would seem, however, that of their own 'authority, CHURCHWARDENS might remove any person in order 'to prevent him from defacing or otherwise damaging the Divine 'Edifice, or the Ornaments therein, or the other property of the 'Parishioners there; or if any person were committing a nuisance, 'or interrupting or disturbing any Service therein.' — *Eccl. Law.* 253. *n.*

STEPHENS adds, in his reference to the case of *Worth* v. *Terrington*, — 'It seemed to be doubted whether a Churchwarden 'has authority, as such, to turn out of the CHURCH a person who 'commits a trespass therein upon a *Week-day*, or when *Service is* '*not going on*, or about to commence; or whether he ought not to 'justify under the Rector.' — *Laws Rel. to Cl.* 344.

Constable's Authority.

242.—THE authority of the CONSTABLE does not in a CHURCH or CHURCH-YARD supersede that which the *Churchwardens* possess.

SIR JOHN NICHOLLS says that in their Church, the authority of the *Churchwardens* is 'paramount to the authority of any '*Constable*; and it must be a very strong case indeed which will 'justify a Constable in inverting this order of authority by taking 'a CHURCHWARDEN or a SIDESMAN into custody, although possible 'circumstances may justify and require such a proceeding.' — (In *Palmer* v. *Tijou*. 2 Add. 200.)

Disturbing the Services.

243.—The CHURCHWARDENS and SIDESMEN, as observed under '*Brawling*,' are bound by their office to attend the *Church* for the purpose of preserving Order and Decorum; and in the execution of this duty they are protected by the law. They are to cause the idle and the disorderly in the CHURCH-YARD, or CHURCH-PORCH, to come in, or to depart. (CANON 19.). They may take off a man's *hat* in Church; and turn

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any one out of the CHURCH, and CHURCH-YARD, who disturbs the Minister or Congregation; and if no *unnecessary* violence be used, they are not guilty of an assault. If the CHURCHWARDENS are not present, or being present do not repress any indecency, they desert their proper duty. (LORD STOWELL, in 2 Consist. 141.)—ROGERS' *Ec. L.* 837.

244.—A *Disturber* is to be taken before a Justice of the Peace, and if the case is proved against him at the Quarter Sessions he incurs a penalty of £20. by 'the *Toleration Act*' (1 *Will. & Ma. c.* 18. *s.* 18.); and £40. by 52 *Geo.* III. *c.* 155. — A reprimand from the Bench of Magistrates will sometimes be a sufficient correction without taking the case to the Quarter Sessions; as that will mulct the offender in a certain amount of costs.

'If any person or persons.....shall willingly and of purpose 'maliciously or contemptuously come into any Cathedral or 'Parish Church, Chapel, or other Congregation.....and *disquiet* 'or *disturb* the same, or *misuse* any Preacher or Teacher, such 'person or persons, upon proof thereof before any Justice of 'Peace, by *two* or more sufficient *witnesses*, shall find *two sureties* 'to be bound by recognizance in the penal sum of £50., and in 'default of such sureties shall be committed to prison, there to 'remain till the next General or Quarter Sessions; and upon 'conviction of the said offence.....shall suffer the pain and 'penalty of £20.'—1 *Will. & Ma. c.* 18. *s.* 18. A. D. 1688.

MR. OKE says: — 'By the Statutes, 1 *Will. & Ma. c.* 18. *s.* 18., 'and 52 *Geo.* III. *c.* 155. *s.* 12, on proof of the offence committed 'either in a Church, or a Dissenting Chapel, before any Justice 'by two or more credible witnesses, the Offender is to find two 'sureties, to be bound by recognizances in the penal sum of £50., 'to answer for the offence, and in default to be committed to prison 'till the next General or Quarter Sessions. The *Depositions* should 'be taken in the ordinary way, and transmitted to the Sessions with 'the prosecutors recognizances.' (*p.* 717).—*Mag. Synopsis.* 6th Ed. 1858.

*** An indictment upon this Statute may be removed into the Court of Queen's Bench by *certiorari* before verdict; and upon conviction of several defendants, each is liable to the Penalty of £20.; as decided in the case of *Rex* v. *Hube, and others* (5 T. K. 542; Stra. 914.). — BURNS' *E. L.* Phil. III. 435; STEPHENS' *Laws Rel. to Cl.* 1102. See also 2 & 3 *Edw.* VI. *c.* 1. *s.* 2: 1 *Mary* Sess. 2. *c.* 3. *ss.* 2, 3: 1 *Eliz. c.* 2. *s.* 9.

The BISHOP OF LONDON (*Dr. Tait*), in answer to the Vestry Clerk of the Parish of *St. George's in the East* requesting the Bishop to advise how the continual disturbances in that Church during

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the Litany afternoon Service could be put a stop to, thus writes:—'You are aware that two parties in this dispute have invoked 'my aid. 1st. I am informed, on the part of the Rector (the '*Rev. Bryan King*), that the Parish Church is desecrated by 'disorderly persons, the Public Worship of God interrupted, and 'the Rector or other Officiating Minister, with the Choristers, 'habitually insulted during or after Divine Service. No language 'can be too strong to express the abhorrence with which all persons 'of any true Christian feeling must regard such outrages, if they 'really take place, as is not denied. It is the grossest self-deceit 'to suppose that they can be justified by any provocation which the '*Rector's Choral Service* or *unusual habiliments* may have given. 'But what is the legal remedy for these *disturbances?* It is 'that to which I have had recourse. I have required the *Church-'wardens to be present at the Service* in which the riotous 'proceedings complained of are alleged to take place, and to 'exercise the powers inherent in their Office for the suppression 'of disorder. *These powers* are well defined by Statute 1 *William* '& *Mary*, chap. 18., sect. 18:'—(as cited above). 'At Common 'Law a *person disturbing* Divine Service *may be removed* by 'any other person there present, but the duty of maintaining 'order lies especially on the *Churchwardens.* If they are absent, 'or being present do not repress disorder they neglect their duty. 'I grant that the performance of their duty in the present instance 'is difficult, but the Law seems to point out with sufficient 'distinctness how they ought to act. The *Rector*, as I learn 'from the report of the Committee of Vestry, has formally 'intimated to the Churchwardens that he will hold them '*responsible to an Ecclesiastical Court* for the performance of 'their duty above described, and they *are certainly so responsible.* 'The Committee of Vestry is of opinion that they are most 'assiduous in the performance of their duty, and I shall be truly 'glad to find that this is so. This is the strict Legal aspect of 'the case, as regards the complaint on the Rector's part respecting 'the alleged disturbance of Public Worship, and as regards the 'remedy which ought to be applied.'—...*The Times*, Feb. 7th, 1859.

245.—*Dissenters' Meeting Houses* are also comprehended in the above Statute (1 *Will & Ma. c.* 18.), as well as in the 52 *Geo.* III. *c.* 155. which follows:—

'If any person or persons..... do and shall wilfully, and 'maliciously, or contemptuously, disquiet or disturb *any Meeting*, '*Assembly*, or *Congregation of persons* assembled for religious 'Worship,.....or shall in any way *disturb*, *molest*, or *misuse* any 'Preacher, Teacher, or person Officiating at such Meeting, 'Assembly, or Congregation, or *any person* or persons *there* '*assembled*, such person or persons so offending, upon proof 'thereof before any Justice of the Peace by *two* or more credible '*witnesses*, shall find *two sureties* to be bound by recognizances 'in the penal sum of £50. to answer for such offence, and in 'default of such sureties shall be committed to prison, there to 'remain till the next General or Quarter Sessions, and upon 'conviction of the said offence.....shall suffer the pain and 'penalty of £40.'—52 *Geo.* III. *c.* 155. *s.* 12. To be levied by

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distress, half to the Informer, and half to the Poor of the Parish: if no distress, committal for any period not exceeding 3 *months* (*Sect.* 15.). The penalty must be sued for *within* 6 *months* (*Sect.* 17.); and the action commenced *within* 3 *months* after the offence shall have been committed.) (*Sect.* 18.).

*** This provision of the 52 *Geo.* III. *c.* 155. *s.* 12. is not applicable to Churches or Chapels of the Church of England. (*Carr.* v. *Marsh*, 2 Phill. 203; 14 J. P. 62.)

246.—*Roman Catholic* Places of Worship are similarly protected, and with the like penalty, by 31 *Geo.* III. *c.* 32. *s.* 10. (BURNS' *E. L.* Phil. III. 435.)

247.—These Statutes are *confirmed* by 9 & 10 *Vict. c.* 59. which extends them to Jews and all other lawful Congregations: thus:—

'*All laws* against the wilfully, and maliciously, or contemptuously *disquieting* or *disturbing* any Meeting, Assembly, or Congregation of persons assembled for religious Worship, permitted or authorized by any former Act or Acts of Parliament, or the *disturbing*, *molesting*, or *misusing* any Preacher, Teacher, or person Officiating at such Meeting, Assembly, or Congregation, or any person or persons there assembled, *shall apply respectively* to all Meetings, Assemblies, or Congregations whatsoever of persons lawfully assembled for religious Worship, and the Preachers, Teachers, or Persons Officiating at such last mentioned Meetings, Assemblies, or Congregations, and *the persons* there assembled.'—*Sect.* 4. (See also 15 & 16 *Vict. c.* 36).

248.—If the CHURCHWARDENS are absent, or neglect to prevent disturbance, *any person* by Common Law is justified in interfering, and laying hands on the *Disturber* to remove him. This was decided in the case of *Glever* v. *Hynde* (*Glover* v. *Hind*), where it was declared by the Court, 'that at Common law, a person disturbing Divine Service might be removed by *any other person there present*, as being all concerned in the Service of God that was then performing; so that the Disturber was a nuisance to them all, and might be removed by the same rule of law that allows a man to abate a nuisance.' (1 Mod. 168.). An OFFICIATING MINISTER is therefore justified in taking measures to prevent the disturbance of the Congregation by any one during the time of Divine Service (BURNS' *Eccl. L.* Phil. iii. 434: CRIPPS' *Laws Rel. to Ch. and Cl.* 613; ROGERS' *E. L.* 837; STEERS' *Par. Law.* Clive 43; 184).—See also *Edgcomb.* v. *Rood.* 5 East 294; *R.* v. *Wadley.* 4 M. & S. 508; *R.* v. *Wroughton and others.* 3 Burr. 1683.

Irregularities.

249.—If *Irregularities* are introduced by the OFFICIATING MINISTER in the performance of the Divine

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Services, the *Churchwardens* have no right or authority to interfere, but they are to complain to the Ordinary, by presentment. (*Hutchins* v. *Denziloe:* 1 Consist. 170; *Bennet* v. *Bonaker* (or *Boroker*) 2 Hagg 25.) Any person indeed may promote a suit in the Ecclesiastical Court, and exhibit articles against a Clergyman for criminal neglect or irregularity or for any Ecclesiastical offences. (2 Lee. 515. ROGERS 269; STEPHENS' *L. Rel. to Cl.* 344). See *Churchwardens' Duty*, (above, *p.* 413. and the *Bishop of London's* letter. *par.* 244.

Letters of Request.

250.—A suit for '*Brawling*' in the Church brought before the Commissary of the Bishop may be removed by *Letters of Request* into the court of Arches. (*Dawe* v. *Williams* 2. Add. 140; Exp. *Williams* 4 B. & C. 315; *Wenmouth* v. *Collins* 2 Lord Ray. 850.) —ROGERS 116; STEPHENS' *L. Rel. to Cl.* 480.

Loiterers.

251.—*Loiterers* and *Idlers* are to be removed by the CHURCHWARDENS from the Church-Porch, and Church-yard, by CANON 19.—(See *page* 423.)

Molesting the Officiating Minister.

252.—Interrupting the OFFICIATING MINISTER in the performance of the Divine Offices is not only restrained by the Statutes against '*Brawling*,' and '*Disturbing*,' as given above, but there are especial clauses in other Enactments against *Molesting* or *Misusing* a Minister while exercising his Clerical function.

253.—By the Act of Uniformity 2 & 3 *Edw.* VI. *c.* 1. (A. D. 1548.), which is still in force, the penalty for interrupting or molesting a Minister is £10 for the *first* offence; £20 for the *second* offence; and for-

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feiture of goods and chattels, and imprisonment for life for the *third* offence;—thus

'It is ordained and enacted.....that if any person or persons 'whatsoever.....shall unlawfully *interrupt* or *let* any Parson 'Vicar, or other Ministers in any Cathedral, or Parish Church, 'Chapel, or any other place. to sing or say Common and open 'Prayer, or to minister the Sacraments, or any of them, in any 'such manner and form as is mentioned in the said Book; that 'then every person being thereof lawfully convicted.....shall 'forfeit.....for the *first* offence £10,.....for the *second*, £20;..... 'and for his *third* offence forfeit.....all his goods and chattels, 'and shall suffer imprisonment during his life.' 2 & 3 *Edw.* VI. *c.* 1. *s.* 2.—If the £10 is not paid within 6 *weeks*, the defaulter is to suffer 3 *months imprisonment;* if the £20 is not paid within 6 weeks, 6 *months imprisonment.* (ib. *Sect.* 2).

254.—A like restraint is imposed by the Statute, 1 *Mar.* Sess. II. *c.* 3. (A. D. 1553); but the punishment is 3 *months* imprisonment for offending herein, thus:—

'Be it enacted.....that if any person or persons.....do or 'shall willingly and of purpose, by open and overt word, fact, 'act, or deed, maliciously or contemptuously *molest*, *let*, *disturb*, '*vex*, or *trouble*, or by any other unlawful ways or means *disquiet* 'or *misuse* any Preacher or Preachers..... in any of his or their 'open Sermon, Preaching, or Collation, that he or they shall 'make, declare, preach, or pronounce in any Church, Chapel, 'Churchyard, or in any other place or places, used, frequented, 'or appointed.....or any Parson, Vicar, Parish-Priest, or Curate, 'or any lawful Priest preparing, saying, doing, singing, minis-'tering, or celebrating the Mass, or other such (***) Divine 'Service, Sacraments, or Sacramentals, &c.,.....every such '*offender* and offenders in any the premises, his or their *aider*, 'procurer, or *abettor*.....immediately and forthwith.....or any 'time or times after.....shall be apprehended.....by any Constable '.....Churchwarden.....of the Parish or place.....or by any 'other person or persons then being present.....and carried 'to any Justice of the Peace, &c.' And if found guilty on proof of *two witnesses*, or on confession, to be imprisoned for 3 *months;* at the expiration of which the offender is to provide sureties at the next Quarter Sessions for his good behaviour in this respect for the future, (*Sects.* 2—6.) or the offender may be indited. And persons willingly and unlawfully rescuing offenders apprehended, or hindering them from being apprehended, is subject to a like imprisonment, and further a fine of £5. (*s.* 7.); recovered by distress (11 & 12 *Vict. c.* 43. *ss.* 19. 22.). Informations under the Statute 1 *Mary* Sess. 2. must be laid within six calendar months (11 & 12 *Vict. c.* 43. *s.* 11.). See OKES' *Magistr. Synopsis.* p. 25. 6th Edit. A. D. 1858.

*** By the term '*other such Divine Service*' (in *Sect.* 2. above quoted) it was decided in *Paul Moon's* case that it 'extended to 'the Divine Service now established, and that the word '*such*' 'hath not reference to the manner or quality of the Service, but to 'the authority establishing it.' (*Jon.* (*Sir T.*) 159. see also 1 *Hawk.* 140.).

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By the Act of Uniformity, 1 *Eliz. c.* 2. (A.D. 1558.), the offender is liable to a penalty of 100 *marks*, for the *First* offence; 400 *marks*, for the *Second* offence; and the forfeiture of all his goods and chattels, and imprisonment for life, for the *Third* offence.—

'If any person or persons.....shall unlawfully *interrupt* or *let* 'any Parson, Vicar, or other Minister in any Cathedral, or Parish 'Church, Chapel, or any other place, to sing or say Common and 'open Prayer, or to minister the Sacraments, or any of them, 'in such manner and form as is mentioned in the said Book; that 'then every such person, being thereof lawfully convicted..... 'shall forfeit.....for the *first* offence, 100 *Marks*.....for the *second* 'offence, 400 *Marks*.....for his *third* offence, shall forfeit to our 'Sovereign Lady the Queen, *all his goods and chattels*, and shall 'suffer *imprisonment during his life*.'—(*Sects.* 9, 10, 11.) In default of payment within 6 *weeks* the offender shall suffer 6 *months imprisonment* for the *first* offence; and 12 *months imprisonment* for the *second* offence.—(*Sects.* 12, 13.) See also under 'BRAWLING,' 'DISTURBING,' 'SMITING.'

Marriage Service.

255.—There are several circumstances connected with the *Marriage Service* which are occasionally productive of interruption to the OFFICIATING MINISTER, and sometimes of disturbance to the Congregation, during the time of Divine Worship. We will speak of the cases that are of more common occurrence.

I. *Forbidding the Banns.*—BANNS OF MARRIAGE are required by Act of Parliament (4 *Geo.* IV. *c.* 76. *s.* 2., whence the present form of the *Rubric* is derived) to be published after the 'Second Lesson' in the *Morning Service* (or in the *Evening Service* where there is no Morning Service) for three successive Sundays. Should any one proclaim immediately after either publication '*I forbid the Banns*,' no discussion is *then* to be entered into, but the OFFICIATING MINISTER is simply to direct the party to '*state the cause or impediment after Divine Service*,' and then to proceed with his 'Duty.' At the close of the Service, the Minister will call the party into the *Vestry Room*, and require them to certify in writing the ground of their prohibition, which they are to attest with their signatures. Any altercation during Divine Service will expose the party so offending to the charge of '*Brawling*,' or '*Disturbing Public Worship*.' (See *supra*.). It is usual, however, when such a proceeding is contemplated to apprize the OFFICIATING MINISTER

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before the Service commences; who will then instruct the party in the steps to be taken; and be prepared to receive the 'prohibition' without interruption to the Service, or disturbance of the Congregation. With respect to the legality of the objection, and the proceedings in connexion therewith, those will be subjects for future discussion when we come to treat upon the *Laws* of the MARRIAGE SERVICE.

256.—II. *Demanding to be Married in the time of Morning Service.*—It is possible that the OFFICIATING MINISTER may be called upon to perform the Marriage Ceremony immediately after the *third publication* of the Banns, and during the time of Morning Service. To this there may be an objection on the part of the Minister, as well as on the part of the Congregation; yet the law will not admit of a refusal; in fact, the 62nd CANON especially enjoins the solemnization of Matrimony during the time of Divine Service;—and the Clergyman who resists the application runs the hazard of an action at law.—The CANON runs thus:—

'.....Neither shall any Minister, upon the like pain, under any 'pretence whatsoever, join any persons so *licensed* in Marriage at 'any unseasonable times, but only between the *hours* of 8 and 12 'in the forenoon, nor in any private place, but either in the said 'Churches or Chapels where one of them dwelleth, and likewise '*in the time of Divine Service*.....'—CANON 62.

*** It is necessary to refer to the *Latin Original* of this clause of the CANON in order to obtain a correct view of its meaning: and perhaps the annexed comments of ARCHDEACON SHARP may serve to elucidate the point.—

ARCHDEACON SHARP observes:—'Whereas it is here said, that '"no Minister shall join any persons, so licensed, in Marriage;" 'the Latin hath it, '*Neque ullus Minister inter quaslibet personas* '(*quantumvis ejusmodi facultatem seu indulgentiam habentes*) *quocunque* '*prætextu Matrimonium solemnizabit.*' And the *quantumvis*, with 'what follows relating to a licence, is included in a parenthesis. So 'that the plain meaning is, that he shall join *no persons whatsoever* 'in Marriage, (notwithstanding some of them be licensed), but on 'the following conditions, one of which conditions is.....that they 'be solemnized *in time of Divine Service.* (*p.* 217, 218.).....'*Tempore* '*precum publicarum*,' says the *Latin* CANON. What shall we say to 'this? All the Constitutions are full and express, that Marriage 'ought ever to be performed *in facie ecclesiæ, in conspectu populi*, 'openly and publicly as may be, for the greater notoriety and 'stronger testimony of the thing itself, as well as for the greater 'solemnity of the performance of the sacred rite. Our Liturgies 'always presume it to be so performed, and mention is made in the 'Office, as it stands both in the old and in the present Prayer 'Books, of a Sermon, as well as of a Communion, at the time of 'Marriage. Nay, what is more remarkable, the Licences do all 'presume upon it too. (*p.* 220.).....But now if these manifold

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'directions are generally so executed, that the Marriage can neither 'be said to have been done in the face of the Church, nor in the 'sight of the Congregation, nor *in time of Divine Service*, and 'therefore cannot properly be said to be celebrated, or solemnized; 'if, instead of being performed openly and publicly, it is industriously 'contrived to be transacted in the most secret and clandestine 'manner; and the Church itself, which should be opened during 'all Divine Offices, is made on these occasions the most private, 'guarded, and inaccessible recess, perhaps, in the whole Parish; 'surely there must appear a strange dissonancy and contrariety 'between prescription and practice. Nor will it seem an easy 'matter to account for so general a deviation from rule. (*p.* 221.)... 'Well then, what have the Clergy to say for themselves upon 'this Article, of not solemnizing Marriages publicly, and in *time* '*of Divine Service*, as the CANONS enjoin, and especially in cases 'of Licences, which enjoin the public solemnization as well as 'the CANONS?' (*p.* 224.)—*On the Rubrics and Canons.* Charge, A. D. 1747.

WHEATLY (*ob.* 1742), speaking of *Marriages*, says:—'By the '62nd CANON they are ordered to be performed *in time of Divine* '*Service*, but that practice is now almost, by universal consent, '*laid aside* and discontinued.' (*p.* 391.)—*Rat. Ill. of B. of C. P.* ARCHDEACON SHARP, in quoting this remark of WHEATLY's, adds:—'It would have been more satisfactory to have given some 'good reason why it is so.'—*On Rubrics and Canons*, p. 221.

257.—Yet, when we find an Archbishop of our own time recommending an OFFICIATING MINISTER to refuse to perform the *Marriage Ceremony* during the *Morning Service* in which Banns have been published the *third time*, the question becomes doubtful and perplexing; although the dictum of an Archbishop, notwithstanding it may accord with the general feeling, or with customary usage, cannot set aside the requirements of the *Canons* of the Church, nor impose a prohibition not sanctioned by the temporal law. On the authority of MR. ROBERTSON's Work '*How shall we Conform to the Liturgy*,' (*p.* 255.), we quote the following observation of the late ABP. OF CANTERBURY (*Dr. Howley*).

'A Clergyman is not at liberty to marry a couple during 'the same Service in which the *Banns* are asked for the *third* '*time*.'—(*Letter from the Abp. of Canterbury to a Clergyman of his Grace's Diocese*, 1841.).

258.—It may be added, that when an OFFICIATING MINISTER is called upon to perform the *Marriage Office* in the time of MORNING PRAYER, intimation must be given before the commencement of Divine Service; otherwise the demand made immediately after the publication of the BANNS for *the third time*, is an offence under the Statutes against '*Brawling*,' and '*Disturbing Public Worship*' (See *supra*); and may then be refused. It is

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not often, however, that such an unusual request is made; and, generally speaking, when it is preferred, there are imperative circumstances affecting the parties concerned which will most probably prevail with the *Officiating Clergyman* to depart from the ordinary usage, and yield to the request.

259.—III. *Forbidding the Marriage.*—This is provided for by the RUBRIC in the 'Marriage Service;' and the injunctions there given should be adhered to by the OFFICIATING MINISTER with scrupulous particularity in order to his own security. When the Marriage is forbidden, the Ceremony should of course be immediately suspended, as directed in the RUBRIC, which says:—'*the Solemnization must be deferred until such time as the truth be tried.*' The allegations in prohibition of the Marriage are to be taken down in writing in proper form; in the mean while no '*brawling*' or quarrelling is to be permitted within the precincts of the Church, or the parties become amenable to the Statute against '*Brawling.*' 3 & 4 *Edw.* VI. *c.* 4. (See *supra;* and the 'MARRIAGE SERVICE,' *postea.*).

260.—IV. *Irreverence, and Levity.*—It is much to be lamented that many of the poorer classes are to be found who seem incapable of recognizing the '*holy estate* of Matrimony,' and of regarding with any degree of religious feeling the Marriage Service of the Church of England. The *irreverence* and *levity* sometimes exhibited during the performance of this Ceremony by one or other of the Wedding party, or of the Congregation then especially assembled, often call for the *after rebuke* of the OFFICIATING MINISTER; and there are indeed some instances when he may be compelled to shut the Service-Book, and defer marrying the couple to a later hour, or perhaps to the following day, in order that they may become sensible that our Marriage Service is not a merely secular matter, but Divine worship; and that therefore it requires some seriousness of manner, and more steadiness and sedateness of demeanour. The Clergyman's *legal* remedy however is under the Statutes, 1 *Will. & Ma. c.* 18; 52 *Geo.* III. *c.* 155, against 'Disturbing the Minister while performing Divine Service:' yet the postponement of the Solemnization of the Marriage will doubtlessly be a sufficient correction to the parties offending, as well as prove an adequate warning to others, without proceeding to the extremity of the law: but such delay cannot be insisted upon if the parties oppose it. The Minister in such a case must continue the Service, or begin *de novo* if the interruption occurred in the Ante-Service; and is then, of course, left to his remedy under the Statutes referred to.

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261.—V. *Omitting the Exhortation.*—This practice, too often the offspring of negligence, can only be permitted when there follows a '*Sermon declaring the Duties of Man and Wife,*' as we find laid down in the RUBRIC: this exception necessarily implies that the *Solemnization of Matrimony* may take place in the time of 'MORNING SERVICE.' But if there is no *Sermon* to supply the absence of the *Exhortation*, its omission is illegal; and might bring upon the Clergyman practising it, not only Ecclesiastical censures, but the costs and consequences of an action at law. It is recommended therefore that the '*Exhortation*' be not habitually neglected. The omission of parts of the *Preface* also, as being offensive to delicacy, is not permitted by law or Rubric. See also *Vol.* II.

Notices.

262.—No *Notices of any kind* are to be proclaimed or published in the Church during the time of Divine Service, but by the MINISTER; and by him such only as are prescribed in the *Rubrics* of the Book of Common Prayer, or are enjoined by *Acts of Parliament*, by the *Queen* (King), or by the *Ordinary* of the place. Any departure from the injunctions of the Rubric, or other legal authority,—either with respect to the nature of the Notices, or to the person proclaiming, or to the time when they are proclaimed,—is an offence against the Statute of '*Brawling.*' (See *supra.*) There are only *two Rubrics* in the Liturgy furnishing any instructions on this matter; one after the Nicene Creed, and the other before the Service for the 'Solemnization of Matrimony.' The *Rubric* following the *Nicene Creed* directs:—

¶. '*Then the Curate shall declare unto the people what* 'HOLY-DAYS *or* FASTING-DAYS *are in the week following* '*to be observed. And then also (if occasion be) shall notice be given* '*of the* COMMUNION; *the* BANNS *of Matrimony published,* '*and* BRIEFS, CITATIONS, *and* EXCOMMUNICATIONS '*read. And nothing shall be proclaimed or published in the* '*Church during the time of Divine Service, but by the* MINISTER; '*nor by him any thing but what is prescribed in the Rules of* '*this Book, or enjoined by the King, or by the Ordinary of the* '*Place.*'—(1662.).

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This *Rubric*,—according to the decision of SIR JOHN NICHOLL in *Dawe* v. *Williams*, where the defendant was charged with *Brawling* for reading a *Notice of a Vestry Meeting* during the time of Divine Service without authority. (2 Add. 130—8.)—'this *Rubric*,' he says, 'as a part of the Book of 'Common Prayer, is confirmed by Act of Parliament 'and constitutes a part of the Statute Law of the 'land.' Yet the permission granted by this *Rubric* was eventually extended by force of custom, and in some instances by the Statute Law, to the publication of various Notices connected with Parochial, and other matters; such as the appointment of Vestry-meetings; the making of Rates; declarations of Outlawry; holding of Court-Leets, &c. &c. Certain Acts of Parliament were also formerly required to be read in the Church during, or immediately after, Divine Service. And it was the secular nature of many of these Notices which led in course of time to the *Officiating Minister* deputing the Parish-Clerk to proclaim them; whence it ultimately became almost the universal practice for the Lay-Clerk to 'give out,' not only Notices of Vestry-Meetings, Proclamations, &c., but likewise the appointed Psalmody, and other matters immediately connected with the Service, of the Church. But this *Rubric*, and the unecclesiastical practices introduced by law and custom, have been materially circumscribed and restrained by subsequent Statutes.

WHEATLY, speaking of this Rubric, says:—'All this was 'undoubtedly added, to prevent the custom that still too much 'prevails in some country Churches, of publishing the most 'frivolous, unbefitting, and even ridiculous things in the face of 'the Congregation.' (*p.* 312.)—*Rat. Ill. of Book of Com. Prayer.* Dr. Corrie's *Ed.*

The clause in the *Rubric*, directing the *Banns of Matrimony* to be published after the Nicene Creed, has been expunged from the one in our present Prayer Books, by reason of the Marriage Act (26 *Geo.* II. *c.* 33.) requiring *Banns of Marriage* to be published after the 'Second Lesson;' to which effect an alteration has been also made in the *Rubric*

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preceding the Service for the '*Solemnization of Matrimony*,' which we shall have occasion to note in its proper place. The reading also of *Briefs*, and *Citations*, &c. and all other Notices of a purely secular character, are prohibited; and the functions of the Parish-Clerk herein completely superseded. (See *Vol.* II.)

263.—In the existing *Law* on the subject of *Notices* (*7 Will.* IV. and 1 *Vict. c.* 45. A. D. 1837.), we have the following injunctions:—

Citations, &c., forbidden.—No *Decree* relating to a 'Faculty, nor any other *Decree*, *Citation*, or *Proceeding* 'whatsoever in any Ecclesiastical Court, shall be read or 'published in any Church or Chapel *during* or *immediately* '*after Divine Service*.'—(*Sect.* 4.)

Church Notices are excepted.—'Nothing in this Act 'shall extend, or be construed to extend, to the publication of '*Banns*, nor to notice of the *celebration of Divine Service*, or 'of *Sermons*, nor to restrain the Curate, in pursuance of the 'Rules in the Book of Common Prayer, from declaring unto 'the People what *Holy-Days* or *Fasting-Days* are in the week 'following to be observed, nor to restrain the Minister from 'proclaiming or publishing *what is prescribed* by the Rules of 'the Book of Common Prayer, or enjoined by the Queen, or 'by the Ordinary of the Place.'—(*Sect.* 5.)

Other Notices are forbidden.—After repealing the Statute, 58 *Geo.* III. *c.* 69., appointing Notices of *Vestry-Meetings* to be published in the Church during or immediately after Divine Service; and the Statute, 31 *Eliz. c.* 3., ordering declarations of *outlawry* to be made at the Church-door at the close of Divine Service; and other Statutes relating to *Highways*, *Poor-Rates*, &c., and the custom of notifying the holding of *Courts-Leet*, *Courts-Baron*, and *Customary Courts*:—the Act proceeds—'No *Proclamation* or 'other *Public Notice* for a Vestry-Meeting or any other matter, 'shall be made or given in any Church or Chapel *during* or 'after *Divine Service*, or at the *Door* of any Church or Chapel at 'the *conclusion* of Divine Service.'—7 *Will.* IV. and 1 *Vict. c.* 45. *s.* 1.

Substitution of a Written Notice.—'All Proclamations 'or Notices which under or by virtue of any Law or Statute, 'or by custom or otherwise, have been heretofore made or given 'in Churches or Chapels during or after Divine Service, shall be 'reduced into *writing*, and Copies thereof either in *writing*, or in '*print*, or partly in writing and partly in print, shall, *previously* '*to the commencement* of Divine Service on the several days on 'which such Proclamations or Notices have heretofore been made 'or given in the Church or Chapel of any Parish or Place, 'or at the door of any Church or Chapel, be *affixed on or near to*

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'*the doors* of all the Churches or Chapels within such Parish or 'Place; and such Notices when so affixed shall be in lieu of and 'as a *substitution* for the several Proclamations and Notices 'so heretofore given as aforesaid, and shall be good, valid, and 'effectual to all intents and purposes whatsoever.'—(*Sect.* 2.)

Vestry Notices, how signed.—'No such Notice of '*holding a Vestry* shall be affixed on the principal door of such 'Church or Chapel, unless the same shall previously have been '*signed by a Churchwarden* of the Church or Chapel, or by the '*Rector*, *Vicar*, or *Curate* of such Parish, or by an *Overseer* of 'the Poor of such Parish; but that every such NOTICE so signed 'shall be *affixed on* or near to the principal door of such Church 'or Chapel.'—(*Sect.* 3.)

264.—From this *Enactment*, and the directions of the *Rubric*, it may be set down as a point of law, and in the strictness of its letter, that—noting aloud the *Collect of the Day;* proclaiming the *Names of the Sick* to be prayed for; announcing a *Woman to be Churched;* publishing Notices from the 'Desk' of *Missionary*, or other Meetings to be held; giving intimation of *especial Services*, or *Sermons*, at any other time than after the Nicene Creed, unless otherwise ordered by competent authority: and a *Lay-Clerk* 'giving out' the Psalmody, or any public Notice: — are each and all *illegal acts;* and the OFFICIATING MINISTER, or other person offending herein, *may be* prosecuted for '*Brawling in the Church.*' But, it must be added, since many of the above practices have received the sanction of long-established custom, which claims a kind of prescriptive authority, it is not probable that a conviction would follow; and, it must be confessed likewise, that where these usages have for a series of past years prevailed, they cannot with propriety be hastily condemned, and abruptly discarded. The several points, however, we shall discuss in detail in the order of their occurrence in the Liturgy.

265.—It need hardly perhaps be observed that no Clergyman is permitted to read any *protest* during Divine Service against the acts or proceedings of his Bishop, as was decided in the case of *M. R. Whist* (Clerk) in 1846, who ordered the Parish-Clerk to read in Church a *protest*, denying the authority of the Bishop of Gloucester and Bristol in the Parish

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of Bedminister. But having perceived his error, he voluntarily submitted, and consented to pay the costs.

266.—*Other Persons*, besides the Officiating Minister and the Parish-Clerk, are prohibited from proclaiming any Notices in the Church; and if attempting to do so, they may be removed from the Church, and be prosecuted under the Statute for '*Brawling;*' but they must not be kept in confinement when taken out of Church beyond the duration of the time of Service.

This was decided in the case of *Williams* v. *Glenister*, where the Parish-Clerk having refused to read a Notice presented to him, the party presenting it read it himself; but at a time when no part of Divine Service was actually going on. It was held that although a Constable might be justified in removing him from the Church, and detaining him until the Service was over, yet he could *not legally detain him afterwards* in order to take him before a Magistrate. CHIEF JUSTICE ABBOTT observed:—'It appears to me 'that the 1 *Mar.* St. II. *c.* 3., merely gave to the Common Law, 'cognizance of an offence, which was before punishable by the 'Ecclesiastical Law; in order to be within that Statute, the party 'must maliciously, wilfully, or of purpose, molest the person 'celebrating Divine Service. Had the *Notice* been read by the 'Plaintiff, whilst any part of the Service was actually going on, 'we might have thought that he had done it on purpose to molest 'the Minister; but the act having being done during an interval, 'when no part of the Service was in the course of being performed, 'and the party apparently supposing, that he had a right to give 'such a Notice, I am not prepared to say that the 1 *Mar.* St. II. '*c.* 3. warranted his detention, in order that he might be taken 'before a Justice of the Peace. Neither does the case come within 'the 'Toleration Act,' 1 *Will. & Ma. c.* 18. That only applies 'where the thing is done wilfully, and of purpose maliciously, to '*disturb* the Congregation, or misuse the Preacher. The detention 'of the Plaintiff after the time when the Service was ended, was 'therefore illegal, and we ought not to disturb the Verdict which 'has been found.' (2 B & C. 699.)

Pictures.

267.—Occasionally may be seen at the East end of some of our Churches, costly paintings, illustrative of scenes in the life of our Blessed Saviour, or of one of the Apostles. Any malicious injury to such Picture is a misdemeanour by 8 & 9 *Vict. c.* 44. *s.* 1., to be tried at Sessions, and liable to *imprisonment* not exceeding 6 months, with hard labour, and whipping.'—OKES' *Mag. Synopsis*, p. 756. 6th Ed. 1858.

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Prosecutor.

268.—In cases of *Brawling* or *Smiting* in the Church, or of *Disturbing* the Minister, or Congregation, it is at the liberty of any person to *prosecute;* as in *Huet* v. *Dash* (2 Lee, (Sir G.) 514.). The Statute, 5 & 6 *Edw.* VI. *c.* 4. does not particularize who is to be the Promoter of the suit. Yet in criminal cases the Court may possibly inquire into the motives of the Prosecutor; whether they be malicious, or vindictive; which will affect the credibility of the witnesses, and influence the costs: but the court will not question the propriety of the motives unless the evidence is very strong against the honesty of their intention; as in *Jarman* v. *Wise* (3 Hagg. 362.). In the case of *Lee* v. *Matthews*, the promoter, a private individual, was proceeding vindictively, and had in the Articles exaggerated the *Smiting*, and suppressed his own *Brawling* expressions which provoked the *smiting;* so the Court directed the matter to stand over for private arrangement. (3 Hagg. 169.). When the Bishop, says Sir Herbert Jenner Fust, institutes proceedings, he should not, properly speaking, be himself the Promoter of the judge's office. *Burder* v. *Langley* (Clerk). (1 N. of Ec. Ca. 542.)

Provocation.

269.—In a Criminal suit for *Brawling* in the Church, or at a Vestry-Meeting in the Church, it will be of no avail to plead *provocation* by way of justification. In the case of *North* v. *Dickson*, which was for Brawling at a Vestry-Meeting, the defendant advanced that plea, but it had no weight with the Court; and he was suspended for a fortnight *ab ingressu ecclesiæ*, and condemned in the costs. (1 Hagg. 730.). Indeed no Provocation can exempt from the penalties of the Law. And where more than one person is implicated

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in the transaction, which of them so implicated is most to blame, or which began the quarrel, is no part of the inquiry. Nor is it any defence to shew that the Promoter of the suit was the aggressor. (See *Burder* v. *Langley*, 1 N. of E. C. 542; *Huet* v. *Dash*, 2 Lee, (Sir G.) 514; *Jarman* v. *Bagster*, 3 Hagg. 356; *Palmer* v. *Roffey*, 2 Add. 144. 306.).

ROGERS says:—'If a person is assaulted in the CHURCH, or 'CHURCH-YARD, he may not beat the other, or draw a weapon 'there in his own defence, for it is a sanctified place, and he 'may be punished for it, by the Statute 5 & 6 *Edw.* VI. *c.* 4. '(Cro. Jac. 367; 1 Hawk. 139.).'—*Eccl. Law*, p. 115.

Repairs.

270.—Whenever a CHURCH is undergoing *Repair*, or *Restoration*, care should be taken by the Incumbent and the Churchwardens, that there be no profanation indulged in by the Workmen, either from thoughtlessness, or with design. To this end it would be well to put up in some conspicuous place, printed in large type, a few brief admonitions; urging the Workmen to treat with proper reverence all things and places consecrated to God: to abstain also from unnecessary noise and clamour; from oaths and blasphemous expressions; from quarrelling and anger; from indecent ribaldry and jesting; even from idle words, since the Saviour Himself has said—'*every idle word that men shall speak, they shall give account thereof in the Day of Judgment.*' (*Matt.* xii. 36.); to forbear *singing* loose profane songs; and *whistling* light and indecorous tunes; to wear no *hats* within the Church, but merely the workman's cap to screen them from draughts, and exposure to the weather; and lastly, to avoid intemperance, smoking, and all eating and drinking, while within the walls of the House of God. It might be made a part of the contract with the Master-builder, that any Workman misconducting himself, or behaving in a manner not satisfactory to the Incumbent, should be dismissed the instant it is

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desired. The Workmen may read with profit during their Evenings at home,— *Psalms* lxxxiv. cxxii. cxxxiii: 1 *Kings* viii. 22—63; *Matt.* xxi. 12, 13: *John* ii. 13—17; 1 *Cor.* iii. 16, 17; 2 *Cor.* vi. 16—18; *Heb.* x. 19—26.

Sacrament, abusing, &c., see under 'COMMUNION SERVICE,' *postea*.

Sacrilege.

271.—Connected with the preservation of the *Sanctity of the* CHURCH is the question of *Sacrilege*, under which term is implied —'stealing anything from a Church or Chapel accompanied with a breaking of such Church or Chapel.' This was formerly a capital offence under the Statutes, 23 *Hen.* VIII. *c.* 1; and 1 *Edw.* VI. *c.* 12: but these have been repealed by 7 & 8 *Geo.* IV. *c* 29. (and by 9 *Geo.* IV. *c.* 55. for Ireland), which last Acts were amended by 5 & 6 *Will.* IV. *c.* 81. So that now the offence is punishable with transportation, or imprisonment.

'If any person shall break and enter any CHURCH or 'CHAPEL, and steal therein any *Chattel*, or having stolen any 'Chattel in any Church or Chapel, break out of the same, every 'such offender being convicted thereof, shall suffer death as a 'felon.' 7 & 8 *Geo.* IV. *c.* 29. *s.* 10.—But *capital punishment* is taken away by 5 & 6 *Will.* IV. *c.* 81. which, after reciting the clause of 7 & 8 *Geo.* IV. *c.* 29. (above given), enacts 'that every 'person convicted of any of the offences in the said Act so 'specified, or of aiding, or abetting, counselling, or procuring the 'commission thereof, shall be liable to be *transported* beyond the 'seas *for life*, or for any term not less than 7 *years*, or to be '*imprisoned*, with or without hard labour,.....for any term not 'exceeding 4 *years*.' This last Act, however, is amended by 6 & 7 *Will.* IV. *c.* 4. which, after correcting a clerical error in the 5 & 6 *Will.* IV. *c.* 81. proceeds —'and that all persons who may 'hereafter be duly convicted of any of the offences mentioned 'in the said Act of the last Session, shall and may be sentenced 'by the Court or Judge by or before whom such offenders may 'be tried to *transportation for life*, or for any term of years not 'less than 7, or to be *imprisoned* for any term not exceeding '3 years, with or without hard labour, and for any period of '*solitary confinement* during such imprisonment, at the discretion 'of such Court or Judge.' (But no Offender can be kept in *solitary confinement* for a longer period than *one month* at a time, or than 3 *months* in the space of one year: by 1 *Vict. c.* 90. *s.* 5.).

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272.—Similarly, in times of *Riot*, by 7 & 8 *Geo.* IV. *c.* 30. *s.* 8, and 4 & 5 *Vict. c.* 56, amended with regard to punishment by 6 & 7 *Vict. c.* 10; it is enacted that—

'If any persons riotously and tumultuously assembled together 'to the disturbance of the public peace should unlawfully and 'with force, demolish, pull down, or destroy any CHURCH or 'CHAPEL, or any *Chapel* for the religious worship of persons '*dissenting* from the United Church of England and Ireland, duly 'registered or recorded.....every such offender.....every principal 'in the second degree, every accessory before the fact.....being 'convicted thereof.....shall be liable, at the discretion of the 'Court, to be *transported* beyond the seas for the term of the 'natural *life* of such person, or for any term not less than 7 '*years*, or to be *imprisoned*, with or without hard labour, for 'any time not exceeding 3 *years*.'—6 & 7 *Vict. c.* 10. *s.* 1.

*** The word '*Chapel*' in 7 & 8 *Geo.* IV. *c.* 29. comprises only those of the Church of England, and not the *Meeting-Houses of Dissenters*, as was decided by *Mr. Justice* GASELEE, and *Mr. Baron* VAUGHAN in *Rex* v. *Warren*, (6 C. & P. 335; see also *Rex* v. *Nixon*, 7 *ib.* 442; *Rex* v. *Richardson*, 6 *ib.* 335.) In such instances the prosecution must be simply for the larceny.

273.—'*Chattel*' includes every species of 'goods' in a Church or Chapel, *not a fixture;* and whether used for Divine Service, or for cleaning, or repairing the edifice and things therein. Stealing *Fixtures* would come under *Section* 44 of this Act. (*Rex* v. *Nixon*, 7 C. & P. 442; *Rex* v. *Rourke*, *ib.* 845; R. & R. 386.) In describing property stolen from a Church they must be laid in the indictment as the goods of the Parishioners. (1 Hawk. P. C. *c.* 33. *s.* 45; 2 East. P. C. *c.* 16. *s.* 59.) *Money* stolen from the 'Poor-Box' fixed in a Church may be laid in the indictment as the property of the Incumbent and Churchwardens. (*Rex* v. *Wortley*, 2 C. & R. 283.). The 'goods' of a *Meeting-House* vested in Trustees, must be laid as the property of one of the members of the Society by name "and others." (*Rex* v. *Boulton*, 5 C. & P. 537.)

'*Church*.'—Under this term is included the *Tower*, if having an internal communication with the Church. (*Rev* v. *Wheeler*, 3 C. & P. 585.)

274.—*Trial* for SACRILEGE cannot be at any Quarter Sessions, by 5 & 6 *Vict. c.* 38. *s.* 1., but must be at the Assizes, similarly for riotously demolishing, &c. a Church, Chapel, &c. (4 & 5 *Vict. c.* 56. *s.* 6.)

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Smiting.

275.—*Striking*, or laying violent hands upon a person in a CHURCH or CHURCH-YARD, constitutes what is called '*Smiting;*' the punishment for which is *excommunication*, now changed to imprisonment: but there must be an actual blow struck to establish the offence of *Smiting* by the Statute, 5 & 6 *Edw.* VI. *c.* 4.: a *threatening posture*, or an assault at Common Law, without a blow, is not held to be *Smiting* in the Ecclesiastical Courts. (*Jenkins* v. *Barrett*, 1 Hagg. 14.)

The Statute runs thus:—

'If any person shall *smite* or lay violent hands upon any 'other, either in any Church or Church-Yard, that then *ipso* '*facto*, every person so offending, shall be deemed *excommunicate*, 'and be excluded from the fellowship and company of Christ's 'Congregation.'—5 & 6 *Edw.* VI. *c.* 4. *s.* 2.

With a weapon.—'If any person shall maliciously '*strike* any person *with any weapon* in any CHURCH or 'CHURCH-YARD; or shall *draw* any weapon in any Church 'or Church-Yard, to the *intent* to strike another with the 'same weapon; he shall on conviction by verdict of 12 men, 'by his own confession, or by 2 lawful witnesses, before the 'Justices of Assize, &c.....or of the Peace,.....be adjudged..... 'to have one of his ears cut off, and if the person so offending 'have none ears.....he shall be marked and burned in the cheek 'with a hot iron, having the letter F, therein, whereby he may 'be known and taken for a fraymaker and fighter; and besides, 'that he shall be and stand *ipso facto excommunicated* as is 'aforesaid.'—ib. *Sect.* 3.

*** Under this Statute the indictment should not be laid as merely '*Striking*,' but it must be '*maliciously* striking.' (*Anon.* Noy. 171.). The charge must also be specific, and not couched in general terms as—"other enormous Ecclesiastical offences." (*Jenkins* v. *Barrett*, 1 Hagg. 14; 2 Add. 140): and the proof must be by two witnesses, and not admit of a doubt. (*Hutchins* v. *Denziloe*, Consist. 182; *Scales* v. *Hoile*, 3 Hagg. 371.) Nor will it be sufficient to shew the *drawing* of a dagger or other weapon, but the charge must prove that the weapon was so drawn *with intent to strike.* (*Penhallo's case*, Cro. Eliz. 231.)

276.—Again, taking up a *stone* in a CHURCH or CHURCH-YARD, and offering to throw it at another; or threatening

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to strike another with a *hatchet* or an *axe* in the hand, does not come within the Statute, for these are not weapons which can properly be said to be *drawn*, as a sword or dagger. WATSON's Cl. L. 34. 350.—(quoted by ROGERS; STEPHENS; and others).

It will be no justification to plead that a person struck another, or drew a weapon in the CHURCH or CHURCH-YARD *in his own defence*.—(*Francis* v. *Ley*, Cro. Jac. 367; 1 Hawk. 189.).

277.—The *Punishment* for 'SMITING' is by the Statute '*Excommunication*,' which the Ecclesiastical Court is to certify to the Court of Chancery, by 53 *Geo.* III. *c.* 127. *Section* 3, of this Statute also directs that the sentence of Excommunication be altered to *imprisonment*, at the discretion of the Court, and not to exceed 6 *months* (*Hoile* v. *Scales*, 2 Hagg. 595; 3 *ib.* 178.). When however the 'Smiting' is *with a weapon*, the punishment is two-fold, as shewn above—one *temporal*, the loss of an ear and branding on the cheek; the other, the *spiritual punishment* of excommunication. The severer portion of the Sentence awarded by the Statute (5 & 6 *Edw.* VI. *c.* 4.), is not likely to be put in execution in these days, yet the law is still in force. According to the *Ecclesiastical Commissioners'* Report (63), 'such an enactment 'ought not to remain on the Statute Book.' (*Wilson* v. *Greaves*, 1 Burr. 244.)

278.—No *suit* can 'be commenced in any 'Ecclesiastical Court for *striking* or *brawling* in any Church or 'Church-Yard, after the expiration of 8 *calendar months* from the 'time when such offence shall have been committed.'—By 27 *Geo.* III. *c.* 44. *s.* 2. The *costs* of the action will be borne by the guilty party, yet the *Court* have power to fix or mitigate the amount. (*Austen* v. *Dugger*, 3 Phil. 120; *Canning* v. *Sandlin*, 2 ib. 293; *Clinton* v. *Hatchard*, 1 Add. 104; *England* v. *Hurcomb*, 2 Add. 306; *Field* v. *Cosens*, 3 Hagg. 169; *Palmer* v. *Tijou*, 2 Add. 203; *Palmer* v. *Roffey*, 2 ib. 141; *Williams* v. *Goodyer*, 2 ib. 309.). See BURNS' *Ec. L.* Phil. i. 392. *a*; ROGERS' *E. L.* 285: STEPHENS' *L. Rel. to Cl.* 182.

Vestry-Meetings.

279.—*Brawling* or *Smiting* at VESTRY-MEETINGS held in the Church, or in a *Vestry-Room* attached to the Church, or in any room or building within the Church-Yard, are, *ratione loci*, offences within

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the Statute, 5 & 6 *Edw.* VI. *c.* 4. More latitude of discussion, however, is allowed at such Meetings, since they are held for civil purposes, and the temporal business of the Parish; yet persons are not to express themselves in an indecorous or irreverent manner, and the Court would only interpose to preserve order and decorum (*Hutchins* v. *Denziloe*, 1 Hagg. 185.) Indeed, what would be considered chiding and brawling in a Church at other times might not be so at a *Vestry-Meeting:* and merely coarse expressions here could not come within the term of 'brawling.' (*Hoile* v. *Scales*, 2 Hagg. 566.) The following opinions will explain this important question more fully:—

Dr. Lushington observed, in the case of *Jarman* v. *Bagster*,—'It is much to be lamented that notwithstanding the notoriety of 'the proceedings in cases of *Brawling*, Parishioners will not be 'convinced that, whatever may be their own private opinions as 'to the matters under discussion in *Vestry*, they must not press 'those opinions in an indecorous and irreverent manner. It is 'not rectitude of intention, nor accuracy of judgment, that will, if 'charges of disturbance arising from such conduct are proved, 'exempt them from the penalties of the law.' (3 Hagg. 358.).

Sir John Nicholl says, in *Lee* v. *Matthews*,—'The object of 'the law is to preserve the sanctity of the place, and to prevent 'public disturbance therein. Here, the transaction did not occur in 'the *Church*, nor yet in that part of the *Church-Yard* appropriated 'to religious purposes—the Christian burial of the dead—but in 'the *Vestry-Room*, where the temporal concerns of the Parish are 'transacted; and though as the building stands upon consecrated 'ground, a long stream of authorities forbid the expression of a 'judicial doubt as to its coming within the meaning of the Statute, 'still it cannot be denied that the sanctity of the place is of an 'inferior character. Again; the transaction was not to the 'disturbance of *Public Worship*, or of any religious *Service*, when 'the Parishioners were met for pious purposes, or for the Burial 'of the Dead; but it occurred at a *Vestry*, very limited in numbers, 'almost a private meeting of *Sir John Lee* and the Parish Officers. 'It was then, in fact, almost as little of an offence against public 'decency, as if the scene had been laid at a neighbouring ale-house; 'and it is merely *ratione loci*, because the *Vestry-Room* stands 'within the precincts of the *Church-Yard*, that it becomes an 'offence at all of which this Court has cognizance. The case, 'however, is of as slight an ecclesiastical character, as can well 'be imagined, for, as an assault on the individual, this Court has 'nothing to do with it.....I shall, for the '*Brawling*,' suspend the 'defendant *ab ingressu ecclesiæ* for *one week;* and for the '*Smiting*, 'decree an imprisonment of 24 hours; and further, as the defendant 'refused to abide by the arrangement of his counsel, I shall 'condemn him in the *costs*.'—(3 Hagg. 169. 176; and *Wilson* v. *M'cMath*, 3 B. & A. 241.).

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280.—*** Where a *Vestry-Room* is partly in, and partly out of a CHURCH-YARD, it is doubtful whether a person '*Brawling*' therein, is liable to the penalties of 5 & 6 *Edw.* VI. *c.* 4. (See *Williams* v. *Goodyer*, 2 Add. 463.)

It is likewise questionable, where a *Vestry-Room* is not on consecrated ground, and stands completely *without the Church and Church-Yard*, whether a person grossly abusing the *Minister* presiding therein, commits an ecclesiastical offence, and is punishable for the same by the general ecclesiastical law; for in such a case it cannot be dealt with as a 'chiding and brawling,' within the Statute, 5 & 6 *Edw.* VI. *c.* 4. (ibid.)

281.—The *Punishment* for this offence is suspension *ab ingressu ecclesiæ*, and the *payment of costs.*

In *Jarman* v. *Wise*, the defendant was convicted of violent conduct and great personal abuse at a *Vestry-Meeting* held in a room within the Church; and was suspended from entering the Church for 14 days, and condemned in mitigated costs, £35. *nomine expensarum.* (3 Hagg. 360.).

282.—*Provocation* is no defence to a suit for 'brawling' in a *Vestry-Room* under this Statute; as was decided in the case of *North* v. *Dickson*, where the defendant was suspended from entering the Church for 14 *days*, and condemned in the *costs.* (1 Hagg. 730.). Yet sometimes, where the Prosecutor has used irritating words, the sentence is modified; as in *Williams* v. *Hall*, where the defendant was suspended from entering the Church for *a week*, and condemned in *mitigated costs.*—(1 Curt. 597.).

283.—*Vestry-Meetings* in Churches, however, and of course the opportunities of '*Brawling*,' may now be *prevented* where the Population of the Parish exceeds 2000 *persons*, by a recent Statute, 13 & 14 *Vict. c.* 57. In which it is provided that the Inhabitants in Vestry assembled may make application through the Churchwardens to the *Poor Law Commissioners*, who are empowered to issue an 'ORDER,' transferring such Meetings to some Room or Building within the Parish, to be hired or built for the purpose. Thus—

'Whereas the holding of *Vestry* or other *Parochial Meetings* in 'the *Parish Church* or *Chapel*, or in the *Vestry-Room* attached to 'such Church or Chapel, is productive of scandal to Religion, and 'other great inconveniences; for remedy thereof be it enacted..... 'that it shall be lawful for the *Commissioners* for administering 'the *Laws for Relief of the Poor* in England, at any time or times 'after the passing of this Act, upon *Application in writing of the* '*Churchwardens*, or, where there are no Churchwardens, of the

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'Overseers of any Parish in England, the *Population* whereof '*exceeds* 2000 *persons* according to the then last preceding census, 'such *Application* being made pursuant to a *Resolution of the* '*Vestry* of such Parish, to make an ORDER under their seal of 'Office, that this Act, or any part thereof, shall be applied to 'and be put in force within such Parish; and a *Copy* of such ''ORDER' shall be published in such *Newspaper* or *Gazette*, or 'both, as the said *Commissioners* may direct, and shall be deposited 'with the Churchwardens, or Overseers (where there are no 'Churchwardens) of any such Parish.'—13 & 14 *Vict. c.* 57. *s.* 1.

The *prohibition* is embodied in the next Section of this Act in these words:—'Be it enacted that from and after the expiration of '12 *calendar months* from the making and publishing of any such 'ORDER, no Meeting of the Inhabitants of the Parish for the 'purpose of holding a *Vestry*, or for any other purpose than that 'of *Divine Worship*, or some Ecclesiastical or Charitable object, or 'some other purpose approved by the Bishop of the Diocese, shall 'be holden in any *Parish Church* or *Chapel*, or other consecrated 'Church or Chapel, nor in the *Chancel* thereof, nor, except in 'case of urgency, and with the previous approval of the said 'Commissioners, in the *Vestry-Room* attached to such Church or 'Chapel, in any Parish or place named in such ORDER, any public 'or private Act of Parliament to the contrary notwithstanding,'—ib. *Sect.* 2.

The next *Section* (§. 3.) legalizes the *proceedings* transacted in the Room or Place duly provided within the Parish where such *Vestry-Meetings* shall hereafter be held.—The 4th *Section* empowers the Churchwardens, with the sanction of the Poor Law Commissioners, and the majority of the Vestry, *to hire* or *build a Room* (according to the provisions of 8 & 9 *Vict. c.* 18.) for holding such Parish Meetings, and the charges to be paid out of the Poor Rates.—The 5th *Section* empowers the *Poor Law Commissioners* on the Application of the Churchwardens made in writing, and in accordance with the *resolution of a Vestry-Meeting* duly held for the purpose, to grant an ORDER to *borrow* any sum of money required for the purposes of this Act; which sum, and the interest thereof, are to be charged to the *Poor Rate*, and be repaid by equal annual instalments not exceeding *ten*.

Words of Brawling.

284.—In a suit for '*Brawling*' under the Statute, 5 & 6 *Edw.* VI. *c.* 4. it is not necessary that the Witnesses should depose to the defendant actually 'chiding, brawling, or quarrelling;' but it will be sufficient if they prove that *words of Brawling* were used. (*Foote* v. *Richards*, 1 Lee, (Sir G.) 265.).

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Place and Position

OF THE MINISTER.

285.—THE *Place and Position* of the OFFICIATING MINISTER, when performing Divine Service, are among the many controverted topics of the day. The subject presents two distinct questions.—1st, the '*Place*' of the OFFICIATING MINISTER; and 2ndly, his '*Position*' when in such Place. And as a natural sequence will follow the consideration of the Place and Position also of the *Assistant Clergyman.*

With respect to '*Place*' we shall have to inquire in what part of the Church should be read—(*a*) the Morning and Evening Prayers; (*b*) the Lessons; (*c*) the Litany; (*d*) certain parts of the Communion Service; (*e*) and the Occasional Offices.

As regards '*Position,*' it will be our object to ascertain whether the OFFICIATING MINISTER should face the Congregation, adopt a side-way position, or turn his back to the assembled people;—in other words, the inquiry will be—To what point of the compass is the Clergyman to turn when performing his various ministrations?

286.—As we are proceeding with the several RUBRICS in their order, each of the questions above enumerated will come more satisfactorily under discussion in their course, where indeed the elucidation will be more especially required. We will therefore now confine ourselves to the general subject involved in the *first* RUBRIC, which relates to the *Place and Position of the* OFFICIATING MINISTER when reading the MORNING and EVENING PRAYERS. It runs thus—

¶. '*The* MORNING *and* EVENING PRAYER *shall be used in* '*the accustomed place of the Church, Chapel, or Chancel;*

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'*except it shall be otherwise determined by the Ordinary of* '*the place. And the Chancels shall remain as they have done in* '*times past.*—(1550—1662.)

There is one other authority on this question of similar character; *viz.* the 14th CANON (1603—4), which is as follows:—

'The COMMON PRAYER shall be said or sung.....in such '*Place* of every Church as the Bishop of the Diocese, or 'Ecclesiastical Ordinary of the Place, shall think meet for the 'largeness or straitness of the same, so as the people may be 'most edified.'—CANON 14.

These instructions are limited to the MORNING and EVENING PRAYERS, to which also is the authority of the Bishop herein confined; yet the place appointed in the RUBRIC is very far from being clearly described by the word '*accustomed*, although in these days we cannot fail to understand this expression to imply the '*Reading-Desk*', ordered by the CANON to be set up in every Church at the Parish expence. The CANON runs in these words—

'We appoint.....that a *convenient seat* be made for the 'Minister to read Service in.....to be done at the charge of the 'Parish.'—CANON 82.

287.—If the *Officiating Minister* therefore removes the '*accustomed seat*,' and his proceeding engenders any objection on the part of the Congregation, and consequently doubt and diversity, he is required to apply to the Ordinary to determine the point. And, again, as *no direction* is given relative to the '*Position*' which the Clergyman is to assume when in the '*accustomed place*,' and he departs from the old usage, he must, as in the last instance, should dispute arise, have recourse to his Diocesan. Doubts and objections however are not likely to occur so long as the established custom of the particular Church is adhered to. Still it is not the *Place* that is so much a matter of controversy as the *Position*. On this point the prevailing practice has long been for the OFFICIATING MINISTER to celebrate Morning and Evening Prayer in the '*Reading-Desk*,' looking westward, facing the assembled Worshippers: in some few cases the custom

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may have been for the '*Prayers*' to be said towards the North or South, and for the '*Lessons*' to be read from the 'Desk,' or from a 'Lectern,' towards the West, the Minister, in accordance with the Rubric, '*turning himself, as he may best be heard.*' It is the modern introduction of the latter practices, in so many instances where they had not been previously adopted, which has made the subject a matter of controversy; but since the proper *Position* rests upon the meaning to be assigned to the term '*accustomed;*'—which meaning however, as the RUBRIC, and CANON imply, is to be determined by the Ordinary, and not by any private individual,—it will be better that we should trace the question to its source, particularly as the adoption of the *side-way Position* at the saying of the Prayers, and the use of the *Lectern* for the 'Lessons,' are practices at the present day extensively on the increase.

288.—The Minister's *turning his back to the Congregation* being a subject that will be argued at the Consecration Prayer in the Communion Service; and the general *Worshipping towards the East*, and turning thither when *repeating the Creeds*, having been already touched upon (in *pars.* 204, 205), and which should be read in connexion with these remarks, we will proceed at once to the elucidation of the epithet '*accustomed*' upon which so much depends: leaving the question of the *Lectern* till we come to the *Rubric* introducing the 'LESSONS.'

289.—Going back to the *first* LITURGY of EDWARD VI. (1549), we have this *Rubric*:—

1549. '*The Priest being in the Quire* shall begin with a loud 'voice, &c.*'—(CLAY, 33. KEELING, 11.)

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* The term *Quire* (*Quier*, *Qwere*, *Choir*), when referring to place, is identical with *Chancel*. The latter word however is now generally applied to the eastern part of Parish Churches, and the former to that of Cathedrals. In another sense the word *Quire* (*Choir*) implies a body of men, Clerics, and Laymen, set apart for the performance of the Divine Services; and in a more restricted meaning it denotes the men and boys called *Choristers*, who perform the Services to music.

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From this it appears that Divine Service was then performed in the *Chancel*, at or near the Communion Table.

Bp. Gibson, explaining the phrase '*in the Quire*,' says:—'That 'is, *in his own seat* there, as the way was all Edward VIth's time; 'and as is still done in some Churches; but in the beginning of 'Queen Elizabeth's reign *Reading-Desks* began to be set up in 'the body of the Church, and Divine Service to be read there, by 'appointment of the Ordinaries, according to the power vested in 'them by the *Rubric* of 5 & 6 *Edw.* VI.'—(*Cod.* 297.). Burns' *Eccl. L.* Phil. iii. 436; Stephens' *Laws Rel. to Cl.* 1092.

Wheatly also observes:—'Then it was the custom for the 'Minister to perform Divine Service (*i. e.* Morning and Evening 'Prayer, as well as the *Communion Office*) at the upper end of 'the *Choir* near the Altar; towards which, whether standing or 'kneeling, he always turned his face in the Prayers; though whilst 'he was reading the '*Lessons*' he turned to the People. Against 'this, Bucer, by the direction of Calvin, most grievously 'declaimed; urging, that "it was a most antichristian practice 'for the Priest to say Prayers only in the *Choir*, as a place peculiar 'to the Clergy; and not in the body of the Church among the 'People, who had as much right to Divine Worship as the Clergy 'themselves." (*p.* 106.)—*Rat. Ill. of Book of C. P.*

The result of this objection was a revision of the *Rubric*, which in the *Second* Liturgy of Edward VI. (1552), ran thus:—

1552. '*The* Morning *and* Evening Prayer *shall be used in 'such place of the Church, Chapel or Chancel, and the 'Minister shall turn him, as the People may best 'hear. And if there be any controversy therein, the 'matter shall be referred to the Ordinary, and he or his 'Deputy shall appoint the place, and the Chancels shall 'remain as they have done in times past.*'—(Clay, 30. Keeling, 2.)

This alteration of the *Rubric* did not answer the end designed, but was productive of considerable diversity and opposition which lasted till the end of the reign. (July, 1558.)

Wheatly says:—'This alteration caused great contentions, 'some kneeling one way, some another, though still keeping *in the* '*Chancel*: whilst others left the 'accustomed place,' and performed 'all the Service *in the body of the Church* amongst the People.' (*p.* 106.)—*Rat. Ill. of the Book of Com. Prayer.*

290.—On the accession of Elizabeth, the Protestant Worship being again restored, the *Rubric* was once more altered in order to appease the strife and diversity this matter had occasioned; and in the Liturgy of 1559, was introduced the *Rubric* we now have in our present Book of Common Prayer, (quoted above, *page* 493.) Here, by the expression '*in the accustomed place*,'

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the ancient practice was revived which had prevailed before the appearance of the LITURGY of 1552; yet still a dispensing power was left in the Ordinary to make what alteration necessity might require. The usage therefore was resumed of reading the MORNING and EVENING PRAYERS in the *Chancel;* by some at the Communion-Table; by others, from the *Priest's Stall.* In course of time however from the difficulty incurred by the people in hearing distinctly what was said, and which was far greater where the Priest directed his voice eastward, several of the Bishops advocated the reading of the 'PRAYERS' in the body of the Church. The practice gradually extended; and ultimately it became so universal that the Service was eventually no where performed in the *Chancels* of our Parish Churches, although it continued, and has survived to this day, to be celebrated in the Choirs of Cathedrals.

In support of what has been asserted, we will now refer to a few authorities, introducing them chronologically:—

In 1562, the Puritans requested Convocation to direct—'that in 'all Parish Churches the Minister turn his face *towards the People.*'—(STRYPE'S *Ann.* I. 337.).

In 1564, CECIL urges, that—'Some say the Service in the '*Chancel;* others in the *body of the Church;* some officiate in a '*Seat;* some in the Pulpit, with their faces to the People.'—(COLLIER'S *Eccl. Hist.* II. 493.)

Again, at CANTERBURY CATHEDRAL:—'The COMMON PRAYER 'daily throughout the year, though there be no Communion, is sung 'at the Communion-Table, standing North and South, where the 'high Altar did stand; the Minister, when there is no Communion, 'useth a Surplice only, standing on the East side of the Table with 'his *face towards the People.*'—(STRYPE'S *Parker*, 183.).

In 1564—5, we find it enjoined in the '*Book of Advertisements*, and which is the progenitor of CANON 14:—'That the COMMON 'PRAYER be said or sung decently and distinctly, in such place as 'the Ordinary shall think meet for the largeness and straitness of 'the Church and Quire, so that the People may be most edified.'—(CARDWELL'S *Doc. Ann.* I. 291; SPARROW'S *Col.* 124.)

291.—The *Reading-Desk.*—As a natural consequence this change led to the introduction of the *Minister's Seat*, subsequently termed the READING-DESK, or *Pew* (Pue); in respect of which mention is first made in the Visitation Articles of PARKHURST, *Bp. of Norwich*, where it is ordered—

In 1569.—'That in great Churches where all the People cannot 'conveniently hear the Minister, the Churchwardens and others, to 'whom the charge doth belong, shall provide and support a decent 'and convenient *seat* in the body of the Church, where the said

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'Minister may sit or stand, and say the whole of the Divine Service, 'that all the Congregation may hear and be edified therewith; and 'that in smaller Churches, there be some convenient *seat* outside 'the Chancel door for that purpose.'—(HOOK'S *Ch. Dict.* Art. 'PEW.') MR. ROBERTSON, however, quotes from the *British Mag.* (VI. 269.) two items out of the Parish Accounts of Darlington, charging for the repairs of the *Minister's seat*, which bear an earlier date; *viz.* 1564, and 1566.

In 1569. ABP. PARKER inquires in his Visitation Articles—'Whether they do celebrate Divine Service in the *Chancel*, or in the 'Church?'—(CARDWELL'S *Doc. Ann.* I. 321.)

In 1571. GRINDAL, *Abp. of York*, thus directs his Clergy:—'Ye 'shall say or sing the COMMON PRAYER.....both in the forenoon 'and afternoon, standing in a *Pulpit* or *Seat* appointed for that 'purpose, and so turning your face *towards the People*, as they may 'best hear the same.'—*Rem.* 123. Park. S. Ed.). And he gives orders to the *Laity* that—'a decent low *Pulpit* be erected and made 'in the body of the Church out of hand, wherein the Minister shall 'stand with his *face towards the People*, when he readeth the 'MORNING and EVENING PRAYER; provided always that where the 'Churches are *very small*, it shall suffice that the Minister stand 'in his *accustomed Stall in the Choir*; so that a convenient *Desk* or '*Lectern*, with a room to turn his *face towards the People*, be there 'provided by the said Churchwardens at the charges of the Parish.'—(*ib.* 133,)

In 1571. SCAMBLER, *Bp. of Peterborough*, orders that at Northampton—'the COMMON PRAYER, accustomed to be said [in 'the Choir, be] brought down into the *body of the Church*, among 'the People, before whom the same is used according to the Queen's 'Book:' (The 'BOOK OF ADVERTISEMENTS' of 1564—5.)—STRYPE'S *Ann.* II. 188.

THOMAS CARTWRIGHT, about the same time, complaining of the distance of place between the People and the Minister, says—'all 'the which riseth upon the words.....'*in the accustomed place.*' 'For thereupon the Minister sitteth in the *Chancel*, with his back 'to the People.'—(HOOKER, Ed. *Keble* v. 30. 33.) In his answer to *Whitgift*, CARTWRIGHT also remarks:—'He whiche readeth is not 'in some place hearde, and in the most places not understanded of 'the People, through the distance of place betweene the People and 'the Minister, all the whyche ryseth upon the wordes of the Booke 'of Service, which are that the Minister should stande in the 'accustomed place, for thereupon the Minister in saying MORNING 'and EVENING PRAYER, sytteth in the Chancel with hys backe to 'the People, as though he had some secret talke with God whyche 'the People might not heare. And hereupon it is likewise, that 'after Morning Prayer, for saying another number of Prayers he 'clymeth up to the further end of the Chancel, and runneth as 'farre from the People as the wall wyl let him.' (*p.* 186.)—*Rest of Second Replie.*

In 1576. GRINDAL, then *Abp. of Canterbury*, inquires—'Whether the Minister so turn himself, and stand in such place 'of the Church or Chancel, as the People may best hear.' (*p.* 157.)—*Remains.*

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In 1584. HOOKER himself, in his Church at Drayton Beauchamp, used a 'READING-PEW' with *two Desks* at right angles to each other; one for the '*Prayers*,' and the other facing the People for the '*Lessons*.'—(*Gloss. of Arch.* I. 125; WILKES' *Ch. of Eng. Mag.* III. 144.).

*** Some of the above authorities will also be found in ROBERTSON'S *How shall we Conform to the Lit.*; STEPHENS' *Book of Com. Pr.* E. H. S.; HIERURGIA ANGLICANA, &c.

292.—We now arrive at the time of JAMES I., when there appears the earliest authoritative order for the setting up of *Reading-Desks* in all Churches; *viz.* the 82nd CANON of 1603—4, which directs among other matters:—

.....'That a *convenient Seat* be made for the Minister to 'read Service in.....to be done at the charge of the Parish.'—CANON 82.

293.—The character and construction of these *Reading-Desks*, however, were neither decisive, nor uniform, the CANON merely requiring them to be '*convenient*:' whence we find they call for Episcopal interference: thus—

BP. WREN in his Visitation Articles in 1636, directs:—'That the 'Minister's *Reading-Desk* do not stand with the back towards the 'Chancel, nor too remote or far from it.'—(CARDWELL'S *Doc. Ann.* II. 205.)

BP. MONTAGUE in 1638 makes inquiry:—'Have you a comely 'and convenient *Pew* of wainscot for your Minister to read Divine 'Service in, and another to preach in? Doth it stand in the 'face of the Congregation as much as conveniently may be, so 'that they may behold, and hear, and understand the Minister 'in what he readeth, preacheth, or prayeth?'—(ROBERTSON, 68; STEPHENS' *Book of Com. Prayer*, 329.)

L'ESTRANGE (*cir.* 1659) says:—'Now the Reformers in Queen 'ELIZABETH'S time, observing that in many Churches the edification 'of the People might be secured, and the ancient practice observed, 'restored the Service to its former station, leaving notwithstanding 'an over-ruling power in the Ordinary to dispose it otherwise if he 'saw just cause so to do. Whereby it appeareth that the Bishops 'lately enjoining the Service to be said *at the holy Table*, or in the 'the *Chancel*, did not innovate, but held to the RUBRIC, and that the 'officiating in the *Desk* was a swerving from the rule, unless where 'it was able to show Episcopal dispensation expressly to warrant 'it.' (*p.* 108.)...'As for the MORNING PRAYER, both it and EVENING 'PRAYER *shall be used in the accustomed place of the Church, Chapel* '*or Chancel*: So are the very words of the Rubric. The accustomed 'place was then, without dispute, the *Choire*; for all along *Queen* '*Mary's* days, nay, from her death, being the 27th of *November* to 'the Feast of *St John Baptist* when this Common Prayer was to

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'commence, by the Statute, MATTINS and MASS, yea, all Divine 'Offices were performed after the *Popish manner*, and that was 'undoubtedly in the Choire, at the High Altar, and consequently to 'that place must the word '*accustomed*' have relation in this 'Rubrick. True it is, there is exception against this rule, in case 'the Ordinary shall otherwise determine: So that till the Ordinary 'shall state it otherwise, the rule holds firm, and consequently 'Morning Prayer with all its appendants (not otherwise settled 'by express order) is to be said at the Altar.' (*p.* 212.).....'At the 'beginning of the Reformation, and establishment of our Liturgy 'there was no such thing as a *Desk* known in the Church; not 'a syllable of this *Reading-Pew* in the Injunctions of either King '*Edward* the sixth or Queen *Elizabeth*, none in any Orders or 'Advertisements set forth by the supream authority, none in any 'Canons Ecclesiastical, and to the best of my inquiry, none in any 'Visitation Article until the year 1603, when by the 82nd *Canon*, it 'is ordained, "*that a convenient seat be made for the Minister to 'read Service in.*" Indeed, the *Pulpit*, was at first designed not 'only for preaching, but also for other things tending to the 'edification of the People: there, even before our Liturgy was 'established, and while the Romish Mass stood intire in practice 'was *the Epistle and Gospel, and one Chapter of the New Testament 'in the forenoon, and one Chapter of the Old Testament in the 'afternoon*, as also the *Pater Noster*, the *Creed*, and the *Ten 'Commandments*, appointed to be read. All these in the time of '*Edward* the sixth, and the three last in the time of Queen '*Elizabeth*. This being thus, it will be worth the inquiry, what 'it was, that did first dictate to us the necessity of the *Reading-desk*. 'The satisfying of which doubt, will reside in reminding you of 'what I discoursed upon the Rubrique before MORNING PRAYER, 'viz. that the Service was to be said in the *accustomed place of 'the Church or Chancel*. That this place regularly, was the Quire 'or Chorus; now because in some Churches, a *balfery* interposing, 'or over great distance impeding the voice, the People would bear 'too slender a part in those Orations, it was therefore in such 'cases left to the Ordinaries discretion to vary from the former 'course, and to assign *such a place as he should think meet for 'the largeness and straightness of the Church and Quire* (for so 'are the words of the Advertisements.). Now this liberty was as 'readily taken as freely indulged. The Ordinaries flexible at the 'solicitations of their subordinate Ministers, allowing them in 'several places to supersede their former practice, settling the 'MORNING and EVENING Service *in the Church*, as a place more 'edifying, and in order to it tolerating the frame of a *Reading-desk*, 'which dispensation begun at first by some few Ordinaries, became 'in process of time to be recommended from one to another, until it 'amounted to a general and universal practice.' (*p.* 328.)—*Alliance*.

294.—The READING-DESK, however, now became the recognized, and 'accustomed place' for the OFFICIATING MINISTER; and in the *last Review* of the LITURGY (1662), our present Prayer Book, we have the *Reading-Pew* for the first time noticed, yet but once. It was introduced before the word '*Pulpit*' in the RUBRIC preceding the 'COMMINATION SERVICE,' which runs thus:—

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¶. '*After Morning Prayer, the Litany ended according to the 'accustomed manner, the Priest shall, in the Reading-Pew or 'Pulpit, say.*'—(1662).

295.—Notwithstanding the *Place* of the OFFICIATING MINISTER was now universally accorded to the body of the Church, there still existed a want of uniformity with respect to the construction of the *Reading-Desk*, and consequently in the *Position* of the Minister.

HERBERT (*ob.* 1632), and FERRAR (*ob.* 1637), we learn from ZOUCH's *Walton*,—'caused the *Pulpit* and the *Desk* in their 'Churches to be made of the same height; rather, however, two '*Desks* than two *Pulpits*, the height of HERBERT's being 7 *ft.* 4 *in.*'

HEYLYN (*ob.* 1662) complains that—'*Desks* were all or most 'part, of late so placed that the Minister faced his Congregation, 'contrary both to the Church's order, and the ancient practice.'—*Tracts*, 159.

BISHOP COSINS (*ob.* 1671) remarks:—'In the *First Book* of 'EDWARD VI., the Priest was appointed to say the MORNING and 'EVENING PRAYER in the *Choir*, the People remaining in the 'Church, as aforetimes it had been accustomed; for the *Choir* was 'built for the Priests, and for that purpose that Divine Prayer 'might be celebrated and performed by them in it.....The '*'accustomed place'* was the *Choir*, as appears by the first words in 'the first Book, set forth in the second year of King EDWARD VI.' (After quoting the Rubric of that Book he proceeds)—'But since 'that time at the instance of the Parishioners, many Ordinaries, 'in most places, have otherwise determined and ordered it as here 'they had leave to do. And from hence it was, somewhat after the 'beginning of Queen ELIZABETH's reign, that the Minister had a '*Desk*, or smaller Pulpit, set up for him, whereat to read Divine 'Service, and the Lessons, in the body of the Parish Church; 'whereas aforetimes, he performed all his Office *at his own seat in 'the Chancel*. And so in divers places, where the Ordinary did 'not alter it, he doth still, turning himself towards the People (that 'be in the body of the Church) where he reads the 'LESSONS'..... 'But note here that their power (of the Ordinaries) was limited 'and restrained to the reading of MORNING and EVENING PRAYER 'only; so that the Communion Service was by this very order and 'law, here reserved to the *Chancel;* neither had any Ordinary 'liberty or power given him to bring it, or give leave to have it 'brought, into the body of the Church.*.....Nor had the Ordinaries

* The Bishop seems to have forgotten the last of the *four Rubrics* at the beginning of the COMMUNION SERVICE introduced in the Liturgy of 1552, and which says:—'The *Table &c. shall stand in 'the body of the Church, or in the Chancel, &c.*' See the observations of WHEATLY (infra, *page* 502), and our own arguments when we arrive at that Office.

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'any power neither to alter the accustomed place of MORNING and 'EVENING PRAYER, but only when there was some controversy 'about it; what place was the most convenient for the reading 'thereof.' (*p.* 16.)—*Add. Notes to* NICHOLLS' *Com. Pr.*

BISHOP SPARROW (*ob.* 1685), says:—'It appears that immediately 'before the 'LESSONS' he (*the Minister*) looked another way from 'the people, because here (at the *Lessons*) he is directed to turn 'towards them. This was the ancient custom of the Church of 'England, that the Priest who did officiate, in all those parts of 'the Service, which were directed to the People, turned himself 'towards them; as in the Absolution.....so in the Benediction, 'reading of the Lessons, and holy Commandments; but in those 'parts of the office, which were directed to God immediately, as 'Prayers, Hymns, Lauds, Confessions of Faith, or Sins, he turned 'from the People; and for that purpose in many Parish Churches 'of late, the READING-PEW had *one Desk* for the Bible, looking 'towards the People to the body of the Church, *another* for the 'Prayer Book looking *towards the East* or upper end of the Chancel. 'And very reasonable was this usage; for when the People were 'spoken to, it was fit to look towards them; but when God was 'spoken to, it was fit to turn from the People.' (*p.* 27.)—*Rationale.* 7th Ed. A.D. 1722.

WHEATLY (*ob.* 1742), commenting upon the phrase '*in the accustomed place*,' gives an historical summary of this matter in these words:—'By which for the generality must be meant the '*Choir*, or *Chancel*, which was the *accustomed place* before the '2nd. Common Prayer Book of king EDWARD. For it cannot be 'supposed that this *Second Book*, which lasted only one year and a 'half, (from *All Saint's Day*, 1552, to *Nov.* 1553), could establish a 'custom. However, a dispensing power was left to the Ordinary, 'who might determine it otherwise, if he saw just cause. Pursuant 'to this *Rubric*, the MORNING and EVENING SERVICE was again, 'as formerly, read in the *Chancel or Choir*. But because in some 'Churches the too great distance of the Chancel from the body 'of the Church, occasioned sometimes by the interposition of a '*Belfry*, hindered the Minister from being heard distinctly by the 'People; therefore the Bishops, at the solicitations of their inferior 'Clergy, allowed them in several places to supersede their former 'practice, and to have *Desks*, or *Reading-Pews*, in the body of the 'Church, where they might, with more ease to themselves, and 'greater convenience to the People, perform the daily MORNING 'and EVENING SERVICE. Which dispensation, begun at first by 'some few Ordinaries, and recommended by them to others, grew 'by degrees to be more general, till at last it came to be an 'universal practice: insomuch that the Convocation, in the 'beginning of king JAMES 1*st's* reign, (1603—4), ordered, that in 'every Church there should be *a convenient seat made for the* '*Minister to read Service in.* (CANON 82). And this being almost 'three-score years before the restoration of king CHARLES II., '(1660)—(at which time the last Review of the Common Prayer 'was made, 1661—2), it is very probable, that when they continued 'this *Rubric* they intended the *Desk*, or *Reading-Pew*, should be 'understood by the accustomed place for reading Prayers. And 'what makes this the more likely, is, a *Rubric* (of 1662) at the

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'beginning of the Communion (*Commination?*), which expressly 'mentions a *Reading-Pew*, and seems to suppose one in every 'Church. It is true indeed, another *Rubric* at the beginning of 'the Communion Office (which orders *the Table, at the Communion* '*time, to stand in the body of the Church, or Chancel, where Morning* '*and Evening Prayer are appointed to be said*) seems to have an 'eye to the old practice of reading Prayers in the *Choir*. But this '*Rubric* being the same that we have in king EDWARD's *second* 'Common Prayer Book, (of 1552) may perhaps have slipt into the 'present Book through the inadvertency of the Reviewers, who 'might not probably just then consider, that Custom had shifted 'the place for the performance of the Daily Service into another 'part of the Church. Though were it certain that this *Rubric* was 'continued in the *last Review*, (1662) to authorize the old way 'of reading the Prayers in the Choir, in such places as had still 'retained that custom; yet since the Ordinaries have a dispensing 'power, and they have approved of the alteration that has been 'made in the introducing of *Desks;* it seems as *regular now to* '*perform Divine Service in them*, as it was formerly to do it in the 'Chancel or Choir.' (*p.* 107.)—*Rat. Ill. of Book of Com. Pr.*

SHEPHERD (*ob.* 1805), says:—'For some years after the 'Reformation, the Minister performed these Offices (MORNING and 'EVENING PRAYER), as well as the COMMUNION SERVICE in the '*Choir* or *Chancel*, near the Altar. In the Prayers he turned 'towards the Altar; but when he pronounced the Absolution, and 'read the Lessons, he turned to the People. In many of our old 'Parish Churches, the Chancels are nearly as long as the Church; 'and of course the east end of the Chancel, where the Minister 'officiated, is at a great distance from the nave or body of the 'Church. Again, in some Churches the voice was so impeded by 'obstructions, that the people at the west end, and at the northern 'and southern extremities, could not hear distinctly what was 'read from the Chancel. For the accommodation of both the 'Minister and the Congregation, some of the Bishops, by virtue 'of the power with which this *Rubric*, made in the reign of 'Elizabeth, invests them, dispensed with the performance of the 'Morning and Evening Service at the Altar; and in many places '*Reading-Pews* were erected in the body of the Church in which 'the Minister read MORNING and EVENING PRAYER. The practice 'soon became general, though it appears not to have been universal 'in the year 1603. For the CANONS, made that year, order that '"a convenient seat be provided &c." an Injunction unnecessary 'had there already been one in every Church. Many of these '*Reading-Pews* had *two Desks;* one for the Book of Common 'Prayer, and one opposite to it for the Bible. When the Minister 'read the Prayers he necessarily looked *towards the Altar*, but 'when the Bible was read, by turning towards the People, he 'would "be best heard of all such as were present." (*Vol.* i. '*p.* 134—5.). The office of the *Holy Communion* is still expressly 'appointed to be performed in the *Chancel;* and the Priest is 'directed when he begins the Lord's Prayer, Commandments, &c. 'to "stand on the north side of the Table." Even when there 'is *no Communion*, the parts of the Office that are read must be 'read from the *Chancel* whenever practicable.' (*ib.* 136.). In Edward's *First* Book, the Priest at the Communion, was directed

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to stand *before the midst of the* ALTAR; i.e. with his face towards the East and his back to the People; but in the *Second* Book, at the *north side of the* TABLE. (*p.* lxi. *Introd.*)—*Eluc. of Book of Com. Prayer.*

We now come to writers of the present age:—

The late BISHOP OF LONDON (*Dr. Blomfield*) says:—'I do not 'consider it to be the intention of our Church, that the OFFICIATING 'MINISTER when reading Prayers, should *turn to the East* with his 'back to the Congregation. BP. SPARROW thinks, that anciently 'the READING-DESK was so placed, that the Minister *looked to the* 'EAST, away from the People, to whom he is directed to turn in 'reading the 'Lessons.' But the *Reading-Desk* was not known in 'the early years of the Reformation. It is not mentioned in the 'Injunctions of King EDWARD VI., nor in those of Queen Elizabeth, 'nor in any Canons or Visitation Articles before the Canon of 1603. 'The first *Rubric* in King EDWARD's Common Prayer Book, orders 'that the Minister so turn him in reading Prayers as that the 'People may best hear him; and as the customary place for reading 'the Prayers was then the *Chancel, at the Communion-Table*, it is 'clear that he could not have faced the East (*Hammond L'Estrange*, 'Alliance, *p.* 328.). It appears however from the proceedings of 'the Savoy Conference, that it *was* customary at that time for the '*Minister* to turn to the People only when he spoke *to* them, as 'in the 'Lessons,' 'Absolution,' and 'Benediction;' "when he speaks '*for* them to God," it was argued by the Bishops, "it is fit that they 'should all turn another way, as the ancient Church ever did, the 'reasons of which you may see in *August.* lib. 2. *de Ser. Dom. in* '*Monte.*" (CARDWELL'S *Conf.* 353.). I myself approve of, as 'convenient, though not necessary, the arrangement lately adopted 'in several Churches, where the *Reading-Desk is near the East end* '*of the Church, by which the Clergyman looks towards the South while* '*reading Prayers, and towards the West while reading the 'Lessons.*' (*p.* 47.)—*Charge*, 1842.

REV. W. GOODE observes:—'If a question arises as to the '*Position of the Minister* in the place assigned to him; *i.e.* whether 'he is to turn towards the People, or towards the East; the decision 'of the question rests with the Ordinary, by the general power 'given to him in the Preface. The older Episcopal Injunctions 'however are clearly in favour of his turning towards the People.' *p.* 16.—*Cer. of Ch. of England.*

REV. J. JEBB says:—'In the time of King EDWARD VI., liberty 'was given to the Ordinary to enjoin the performance of Matins 'and Evensong in the Nave, hitherto celebrated in the Chancel or 'Choir: to which latter place the Rubric of the first Prayer Book 'confined these Parts of Divine Service. This was an arrangement, 'however, merely of convenience or necessity, in cases where, as in 'the Churches of St Mary's, Oxford, or Stratford-upon-Avon, the use 'of the Chancel for the audible edification of the great body of the 'Congregation was physically impossible, without the removal of 'screens, &c. The proper place was, and still is, the *Chancel;* 'where, from the instructions of ABP. GRINDAL, it appears that the 'Incumbent had his *Stall.* (*p.* 187.).....In small Churches, and in 'all where the *Chancel* is not actually shut out from the body of

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'the Church, nothing can be more absurd than the erection of '*Reading-Desks* in the Nave, No Church, however small, ought to 'be without a regular Chancel; its omission was never known 'till the last century. But in CATHEDRALS and COLLEGES, the 'universal practice, as throughout Christendom, so in England, 'with the two exceptions of Wolverhampton and Manchester, has 'been to celebrate Divine Service in the Choir. (*p.* 188.).....The '*Reading-Desk* is a piece of furniture altogether unknown to our 'ancient Choirs.* In them, as at St Paul's (the arrangement of 'that Choir being evidently formed after an ancient model), the '*Officiating Priest* merely read from his Stall, wherever that might 'be. The *Reader* of Prayers, in all our Collegiate Churches, 'officiates with his face in the position of his *Stall;* i. e. laterally, if 'he occupies a lateral stall; to the East, if his Stall is on either side 'of the Choir door. Whatever it may have been in some Parish 'Churches, the *Collegiate usage* of the Church of England never 'has been to turn *to the East*, except during the Creeds and Litany, 'or *to the West*, except during the 'Lessons.' (*p.* 194.).....There 'ought to be no regular *Reading-Desk:* the Minor Canon or Vicar 'in course officiating from his proper Stall; nor should the *Reader* 'be elevated above his brethren.' (*p.* 201.)—*Choral Service.*

REV. J. C. ROBERTSON argues:—'The present *Rubric* was 'originally understood to fix to the *Chancel* as ordinarily the place 'in which the Service should be read. In some cases, perhaps, it 'was said at the holy *Table*, but it seems to have been more 'generally said in a lower part of the Chancel, where the Priest's '*Stall* was constructed.....The CANON of 1604 gave a general order 'for the erection of *Desks*, which had before been introduced into 'many Churches with the sanction of individual Ordinaries..... 'On the whole, the best plan for a *Reading-Pew* appears to be that 'approved by the BP. OF LONDON (*see above*), according to which 'the *Desks* for the Bible and Prayer Book are at right angles to 'each other, as in the case of Drayton Beauchamp. It is desirable 'that *Prayer-Pulpits* should be got rid of at the earliest opportunity.' (*p.* 71.)—*How shall we Conform to the Lit.*

Place of the Assistant Clergyman.

296.—The Place of the Clergyman *assisting* the OFFICIATING MINISTER in the performance of any of the Divine Offices, or as Preacher, is not prescribed by any CANON or RUBRIC of the Church, and therefore depends on custom. It is held to be a general rule that the Chancel is the proper Place for the *Assistant*

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* MR. JEBB adds in a *note:*—'The *Reading-Pew* mentioned in 'the Commination Service.....means most probably the *Lectern* or '*Lesson Desk.*'

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Minister; indeed for the Clergy always, says Bp. Cosins: and it has also been usual for him to occupy the Chair or Seat on the *north side* of the Altar, when there is no accommodation of Stalls (see *Sedilia* postea): in the latter case, when several Ministers are present, each would take his place according to seniority of rank or degree, and habited in his proper vestments. In some instances where the *Reading-Desk* is sufficiently capacious, it is the custom for the Assistant Clergyman to take his place there, and officiate in those portions of the Service not exclusively assigned to the chief Minister: he would read the Lessons at the *Lectern*, if such were the custom, officiate at Baptisms, Churchings, or afternoon Catechizings; and return to his place after each office. The order of procedure would be the same, if he occupied a place in the Chancel. When the *Assistant Clergyman* appears at the north side of the Communion Table, he becomes the *Officiating Minister* in the Ante-Service of the Communion Office; and he who was previously at the *Reading-Desk* takes the south side of the Communion-Table, where he reads the Epistle,* and sometimes he recites likewise the Nicene Creed. When, however, there is an administration of the Holy Communion, the *Incumbent* properly, (or the Bishop, if present), should take the Service; but we shall speak further upon this when we come to the *Rubrics* of the Communion Office.

297.—With respect to the *Preacher*, whether he be a stranger, or one of the Ministers connected with the Church, it is a common practice for him during the

* The reading of the *Epistle* was formerly assigned to the Sub-deacon, and the *Gospel* to the Deacon. Sometimes the Epistle and Gospel were both read from a kind of Pulpit (*Ambo*) in the Chancel; or, according to Durandus (iv. 24.), and Schmid (ii. 134.), the Readers of the Epistle and Gospel stood between the Altar and the Stalls, the *Epistoler* on the lower step, or a low stool, on the south side, and the *Gospeller* on a higher step or stool on the north side. (See *postea*.)

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Prayers to occupy the *Chair* on the north side of the Communion Table, or a *Stall* in the Chancel, habited in his surplice, &c.; but it is equally common for the *Preacher*, robed in his Gown and Bands, to be seen as a private worshipper, in a Pew or Seat, from which, at the appointed time, he proceeds to the Pulpit for the delivery of his Sermon. But, as we before observed, this question is dependent upon the custom of the place, or, it may be, upon the peculiar views of the Incumbent of the Church.

Rev. J. Jebb, after speaking of the *Chancel* as the Place in which Divine Service should be performed, adds:—'Here the 'Clergy, at least those *assistant* to the Officiating Priest, ought to 'remain, even when the Prayers, by the direction of the Ordinary, 'are read in the Nave: here the *Choir*, or those *assistant* in Divine 'Service, ought always to be placed; and here the *Rector*, or *Curate*, 'during the former part of the Service ought to appear in his 'surplice as a Priest, instead of remaining, like a layman, in a Pew. '(*p.* 188.).....In the arrangement of the British Churches is often 'found a *Chair* on each side of the Altar, for the use of the *two* '*principal Clergyman* during the intervals of duty: and also a long '*Fald-stool* on each side for the others, when they come up from 'the Choir to assist in the administration of the Holy Communion, 'or to receive it. This seems to be a modification of the primitive 'apsidal seats of the superior Clergy. The recent condemnation of 'these *Chairs* by some antiquarians, seems somewhat precipitate. 'However, they ought to be used during the intervals of the 'Communion Service only, not at *Matins* or *Evensong*.' (*p.* 196.).—At the administration of the Holy Communion in Cathedrals, 'as well as Parish Churches, the Author adds:—'The universal 'custom of the Church assigns, in Collegiate Foundations, the 'Office of the Communion to the *Senior-Member* present, that is, 'to the Bishop or the Dean; and next to them, to the first in rank 'either by temporary office, as Vice-Dean in the Cathedrals of new 'foundations, or by permanent place in the Chapter, as in those of 'old.....This Collegiate rule, however, would seem to be the proper 'one to adopt in Parish Churches. As it is, the *Rectors* or *Vicars* 'in those places, by a very general, if not universal custom, yield to 'their Bishops alone in the administration of the Holy Communion, 'taking upon themselves the performance of that part of the Service 'which *follows* the Sermon. *To the Preacher*, however, whether a 'stranger or a Curate, is, by an anomalous courtesy, assigned the 'principal part at the *Ante-Communion*. To this arrangement 'there are two objections. The first is, the impropriety of making 'the *Sermon* the standard by which the distribution of the sacred 'Offices among the Ministers is to be regulated: the second is, the 'effect it has in breaking the unity of the Service. The *Minister* 'who performs the principal Office of the day, i. e. the consecration 'of the Elements, ought to begin the Communion Service at its 'proper place. Besides, the *Incumbent of the Parish* ought always 'to take this principal part, as the '*Persona Ecclesiæ*,' and it is not

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'seemly that he should compliment away this station, assigned to 'him by his Bishop. The impropriety of suffering a *Deacon* to read 'the Ante-Communion Service in the presence of a Priest, is too 'obvious to require comment.' (*p.* 472.)—*Choral Service.*

In a *Tract* entitled "A FEW WORDS TO CHURCH BUILDERS," we read:—'The *Officiating Priest* at MATINS and EVENSONG may be, 'if he please, in one of the *Stalls* of the Choir, only coming down to 'the *Lectern* to read the Lessons. The *other Priests* will be in 'the Stalls, and of course vested. In the Holy Communion, the 'Celebrant, Gospeller, and Epistler will alone be at the Altar; 'occupying the *three Stalls* of the Sedilia, or *three Chairs* placed on 'the south side. If a rood-loft or Pulpit be not used the Gospel 'may be read on the north side of the Chancel Arch, the Epistle on 'the south.' (*p.* 27.)—*Pub. by the late Cambridge Camden Society.*

POSITION OF THE CONGREGATION.

298.—We shall not probably be considered out of order, if we advert here to the ancient practice of *separating the sexes* during the time of Divine Worship, especially as the usage is found still to prevail in many of our village Churches. (See BINGHAM'S *Antiq. of Chr. Ch.* VIII. v. 6.). In the *first* LITURGY of *Edward* VI. (1549), the following *Rubric* occurs after the Offertory Sentences in the Communion Service:—

'*Then so many as shall be partakers of the Holy Communion, 'shall tarry still in the Quire, or in some convenient place nigh the 'Quire, the Men on the one side, and the Women on the other 'side.*' (1549.)—KEELING, 185.

'Where it may be remarked,' says WHEATLY, 'that the *separating* '*the Men* from the *Women*, and allotting to each Sex a distinct place, 'was what was very strictly observed in the primitive Church.' '*Const. Apost. l.* 2. *c.* 57.'—*Rat. Ill. of B. of C. Pr.* p. 282.

In 1638. BP. MONTAGUE enquires in his Visitation Articles:—'Do Men and Women sit together in those seats indifferently and 'promiscuously? Or (as the fashion was of old) do *Men sit* '*together upon one side of the Church, and Women upon the other?*' (*p.* 48.)—*Camb. Edit.*

In 1689. WHELER (*Preb. of Durham*), in his 'Account of the Churches or Places of Assembly of the Primitive Christians,' writes:—'In many country Churches (where the Grandees have 'not deformed them, by making some high and some low to be 'tenements to their whole families), is yet to be seen not only '*dextra* and *sinistra pars virorum*, but also the right and left 'hand seats for the *Women*. The seats for the *Men* being next 'to the Chancel, and the seats for the *Women* next, from the 'middle Doors to the Belfry.'—(*p.* 119.).

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The Rev. W. Maskell says:—'When, as was very anciently 'the custom, the *Men* and the *Women* were divided, the Gospel 'it would seem, was always read towards the *south side, where the* '*Men sat.* Amalarius (*De Off.* l. iii. c. 2.) distinctly speaks of this 'arrangement: and an old *Ordo Romanus* takes it for granted that 'on entering a Church one would have the *Men* upon the *right hand* 'or south side, and the *Women* on the north. (See also Amalarius '*Eclogа*, c. xiii. Printed in Georgius. Appendix, tom. iii. p. 350.). "Diaconus vero stat versus *ad meridiem*, ad quam partem *viri* "solent confluere." The original reason why the *Men* were 'addressed especially, appears natural enough: viz. that they are 'the chief objects of the Church's teaching in her public Offices, 'and from them the *Women* are to learn at home; as St Paul 'admonishes.' (*p.* 46. *n.*)—*Ancient Lit. of Church of England.*

In Brewer's *Oxfordshire* (p. 443.) we read:—'The principal 'entrance of the Church (Stanton Harcourt) is by a round-headed 'arch, on one side of which is a small stone receptacle for holy 'water. At a small distance is another door, used by the *Women* 'only, as, from a custom of immemorial standing, they never pass 'through the same entrance with the Men.'—*Hier. Anglic.* p. 375. (The *Women's Gate* is spoken of by Bingham in his *Antiq. of Christ. Ch.* ii. xxii. 12.)

The Ecclesiologist says:—'It seems to have been the 'prevailing custom for the *Women* to sit on the north side, 'the *Men* on the south: although in some parts, for example, in 'Northamptonshire, near Daventry, the *Men* occupy the upper or 'Eastern part of the nave, and the *Women* the lower or Western 'part.....We may mention two new Churches, St John's, Harlow, 'and S. ——— Wareside, where this rule has been observed, with 'the best results, ever since their consecrations.' (*Vol.* v. *p.* 43, 44.)—*ib.* p. 375.

¶. '*The Chancels shall remain*

'*as they have done in times past.*'

299.—This clause of the *Rubric*, like the one preceding, owes its origin to the objections of Bucer, who was desirous of effecting the complete removal of every thing in structure and appearance that distinguished the *Chancel* from the body of the Church; he even aimed at the demolition of the *Chancel* altogether. The idea being that retaining them as in times past encouraged "the superstitious "opinion of the holiness of one place above another." But this was met by a strong opposition, which led to the introduction of the above order. The Rails or Screens, and Ornaments, therefore, are by this

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injunction to be retained: the Rails or Screen, indeed, is that distinctive feature whence the term *Chancel* is derived.

'CHANCEL, *cancellus*, seemeth properly to be so called, *a* '*cancellis*, from the lattice-work partition betwixt the Quire and 'the body of the Church, so formed as to separate the one from 'the other, but not to intercept the sight.'—BURNS' *Ecc. L.* Phil. I. 341.

300.—The *Rectorial* rights and duties connected with the *Chancel* will be treated upon when we come to discuss the '*Fabric of the Church;*" in the mean time we will quote a passage or two confirmatory of the cause assigned for the appearance of the above *Rubric* in this place: which *Rubric* is supposed by many to authorize the restoration of our *Chancels* to their condition previous to the Reformation: which will explain the re-appearance of the *Piscina*, the *Sedilia*, the *Credence-Table*, &c.

A BISHOP OF LINCOLN of the time of *William* III. thus writes:—'There is a part of the Church very convenient and proper, and 'generally fitted and prepared for the celebration of the Lord's 'Supper, which we call the *Chancel*. Here the *Communion-table* 'may be placed, and the communicants receive, with greater order, 'decency, and convenience for devotion, than in the *body* of the 'Church or the *seats* there. I doubt not my brethren are sensible 'of this, and satisfied in it, finding great inconvenience in 'consecrating in so strait a place as an *ally* of the Church, and 'delivering the bread and wine in narrow seats, over the heads 'and treading upon the feet of those that kneel; when by removing 'into the *Chancel* at the time of that solemnity, every one may 'kneel without disturbance, and receive with easiness, and see the 'whole Office performed. This is so proper and so becoming, that 'one cannot but wonder that the Parishioners in any place should 'be averse to receive the Sacrament in this order, and that Rectors 'should not take more care to fit their Chancels for this purpose; 'but some lie wholly disused, in more nastie manner than any 'cottager of the Parish would keep his own house; others are 'employed for *keeping School*, by reason of which, the seats, 'pavement. and windows, are commonly broken and defaced.' (*p.* 22.)—*Advice to the Clergy of the Diocese of Lincoln.*

BP. COSINS (*ob.* 1671) says:—'The *Chancel* was to be 'distinguished from the body of the Church by a frame of open 'work, and furnished with a row of chairs or stools on either 'side: and if there were formerly any steps up to the place 'where the Altar or Table stood, they were to be suffered to 'continue so still, and not to be taken down and laid level with the 'lower ground, as lately they have been by violence and disorder, 'contrary to law and custom.' (*p.* 16.)—*Add. Notes to* NICHOLLS' *Com. Prayer.*

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Dr. Burn remarks (from *Gibson*):—'It is here ordered that "*the Chancels shall remain as they have done in times past;*" 'that is to say, distinguished from the Body of the Church in 'manner aforesaid: against which distinction Bucer (at the time 'of the Reformation) inveighed vehemently, as tending only to 'magnify the priesthood; but though the King and Parliament 'yielded so far as to allow the Daily Service to be read in the 'body of the Church, if the Ordinary thought fit; yet they would 'not suffer the Chancel itself to be taken away or altered.' (Gibs. *Cod.* 199.)—*Eccl. L.* Phil. I. 341.

Wheatly animadverts upon *Bucer's* conduct in respect of this matter somewhat in the same strain, although a little more warmly, but adds nothing upon the subject itself.—*Rat. Ill. of Book of Com. Prayer*, p. 108. (*p.* 95. *Dr. Corrie's* Ed.).

Rev. J. Jebb observes:—'The high *Screen*, separating the Nave 'from the Choir, was an innovation, not merely of the Monks, 'but of the secular Canons, *in the Cathedrals*.....An innovation 'it certainly was, unknown to the primitive Church. It had the 'effect of shutting out the great body of the Laity from the 'sight of the Altar and Ministers, and from the distinct hearing 'of Divine Worship: a remedy for which was subsequently found, '(a very imperfect one, however,) in the admission of the Laity 'into the part of the Church properly belonging to the Collegiate 'body only. The *Rood Screens* in our Parish Churches are 'comparatively modern: but as these are often found of pierced 'lattice work, they do not constitute that substantial barrier 'presented by the Cathedral Choir Screen.' (*p.* 192.)—*Choral Service.*

The Rev. T. Lathbury says:—'The Rubric, "and the Chancels 'shall remain as they have done in times past," occurs in Edward's 'Second Book, and is repeated in Elizabeth's; consequently the 'rule observed respecting Chancels under the Book of 1549 is still 'retained. In short, the Chancels were to continue in the state 'in which they were left by the Reformers. There was a disposition 'to pull down the steps and level the Chancels with the rest of the 'Church; and this Rubric was originally intended to check such 'excesses. The state of the Chancels under Edward's first Book is 'well known. The Table stood, as at present, under the Eastern 'wall, in the place of the Altar, and the Morning and Evening 'Service were read in the Chancel. No alteration was made in the 'second Book: on the contrary, the Chancels were to continue 'as they had existed under the Book of 1549.' (*p.* 356.)—*History of Book of Com. Prayer.*

Mr. George Gilbert Scott (the *Architect*) remarks:—'In 'the earlier Churches the distinction between the *Choir*, properly 'so called, and the *Nave*, appears to have been far less, while that 'between the *Choir*, and the *Sanctuary*, or *Sacrarium*, was far 'greater than at a later period. The *Cancelli*, in fact, of the 'earlier Church, in the strict sense, appear, as far as position 'goes, to agree rather with our *Altar-Rails* than with our '*Chancel-Screens*.....The superior Clergy usually sat around the '*Apse* at the back of the Altar, while the minor Orders occupied

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'the *Choir*, being intermediate between the Laity and the superior 'Clergy. The *Choir* was thus only slightly separated from the '*Nave*, while the *Sanctuary* was more decidedly separated from 'the *Choir*.....The uses of these two divisions of the Chancel at 'the same time underwent considerable change; inasmuch as the '*Seats* for the superior Clergy were removed from behind the 'Altar into the *Choir*, no Clergy occupying the *Sanctuary* but 'those who were *officiating at the Altar*, and for whom the *Sedilia* 'were provided on the South side. The *Choir* thus became the 'place not of the inferior Orders of Clergy only, but for all the 'Clergy (excepting those who were *actually officiating* at the Altar), 'and also for those who, whether actually *Clergymen or not*, were 'officially engaged in the celebration of the Services.' (*p.* 58.)..... 'When the united length of the Nave and Chancel is proved to 'be absolutely incompatible with the audible performance of the 'Service, it is certainly better to bring the *Altar* forward one or 'two bays by an advanced *Reredos*, than to advance the Nave 'into the Chancel. This, however, should only be resorted to in 'very extreme cases.' (*p.* 71.)—*Faithful Restoration of Ancient Churches.*

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Page 305, 1st *line* from the bottom, for 33 *Geo.* III. *c.* 28., read 23 *Geo.* iii. *c.* 28.
Page 315, *line* 12, for 2 & 3 *Edw.* VI. *c.*; read 2 & 3 *Edw.* VI. *c.* 1.
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